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MONTHLY REPORT



JANUARY-March
1961-

ONTARIO LABOUR RELATIONS BOARD

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MONTHLY REPORT OF THE ONTARIO LABOUR RELATIONS BOARD

FOR THE MONTH OF JANUARY, 1961

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PART ONE

STATISTICAL TABLES

TABLE I

APPLICATIONS FILED WITH THE ONTARIO LABOUR RELATIONS BOARD

Type of Application	Number of Appl'ns Filed		
	January '61	1st 10 months of fiscal year 60-61	59-60
I. Certification	56	600	640
II. Declaration Terminating Bargaining Rights	9	45	72
III. Declaration of Successor Status	-	5	6
IV. Conciliation Services	103	876	975
V. Determination under Section 79 of Act	1	8	6
VI. Consent to Early Termination of Agreement	-	-	-
VII. Declaration that Strike Unlawful	-	21	21
VIII. Declaration that Lockout Unlawful	-	2	2
IX. Consent to Prosecute	6	82	70
X. Miscellaneous	1	2	1
XI. Complaint of Unfair Practice in Employment (Section 65)	<u>19</u>	<u>36</u>	<u>-</u>
TOTAL:	<u>195</u>	<u>1677</u>	<u>1794</u>

TABLE II
HEARINGS OF THE ONTARIO LABOUR RELATIONS BOARD

	Number		
	January '61	1st 10 months of fiscal year 60-61	59-60
Hearings and continuation of Hearings by the Board	66	718	950

TABLE III

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY MAJOR TYPES

Type of Application	Number of Appl's Disposed of		
	January '61	1st 10 months of 60-61	1st 10 months of 59-60
I. Certification	48	641	628
II. Declaration Terminating Bargaining Rights	4	48	70
III. Declaration of Successor Status*	-	9	7
IV. Conciliation Services	96	865	1011
V. Determination under Section 79 of Act	1	8	7
VI. Consent to Early Termination of Agreement	-	1	-
VII. Declaration that Strike Unlawful	-	26	25
VIII. Declaration that Lockout Unlawful	-	1	4
IX. Consent to Prosecute	5	83	84
X. Miscellaneous	-	1	1
IIIX. Complaint of Unfair Practice in Employment (Section 65)	5	13	-
TOTAL:	<u>159</u>	<u>1696</u>	<u>1837</u>

*This does not include cases in which the question of successor status arises as a collateral issue

TABLE IV

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY TYPES AND BY DISPOSITIONS

Disposition	No. Appl'ns Disposed of			*Employees		
	Jan. '61	1st 10 mos 60-61	fiscal yr. 59-60	Jan. '61	1st 10 mos 60-61	fiscal yr. 59-60
I. Certification						
<u>Certified</u>						
CLC	17	347	358	377	9768	8384
Other	<u>12</u>	<u>101</u>	<u>63</u>	<u>373</u>	<u>2614</u>	<u>1214</u>
Total	29	448	421	750	12382	9598
<u>Dismissed</u>						
CLC	10	96	108	482	3820	6882
Other	<u>7</u>	<u>37</u>	<u>32</u>	<u>123</u>	<u>1147</u>	<u>1443</u>
Total	17	133	140	605	4967	8325
<u>Withdrawn</u>						
CLC	2	49	51	65	933	886
Other	<u>-</u>	<u>11</u>	<u>16</u>	<u>-</u>	<u>141</u>	<u>300</u>
Total	2	60	67	65	1074	1186
TOTAL:	<u>48</u>	<u>641</u>	<u>628</u>	<u>1420</u>	<u>18423</u>	<u>19109</u>
Certification Applications Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications for certification were filed with the Board. Totals for applications dismissed and withdrawn are approximate

- 350 - APPLICATIONS DISPOSED OF BY THE
BOARD (continued)

Disposition	Jan. '61	1st 10 mos. 60-61	fiscal yr. 59-60	Jan. '61	1st 10 mos. 60-61	fiscal yr. 59-60
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II. Termination
Bargaining
Rights

Terminated

CLC	-	20	26	-	446	789
Other	<u>1</u>	<u>5</u>	<u>4</u>	<u>6</u>	<u>127</u>	<u>39</u>
Total	1	25	30	6	573	828

Dismissed

CLC	1	12	34	7	423	753
Other	<u>2</u>	<u>3</u>	<u>2</u>	<u>36</u>	<u>53</u>	<u>11</u>
Total	3	15	36	43	476	764

Withdrawn

CLC	-	7	3	-	462	289
Other	<u>-</u>	<u>1</u>	<u>1</u>	<u>-</u>	<u>13</u>	<u>104</u>
Total	-	8	4	-	475	393

TOTAL:	<u>4</u>	<u>48</u>	<u>70</u>	<u>49</u>	<u>1524</u>	<u>1985</u>
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*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications were filed with the Board. Totals for termination applications dismissed and withdrawn are approximate

- 351 - APPLICATIONS DISPOSED OF BY
THE BOARD (cont'd)

Disposition	Number of Appl'ns Disposed of		
	January '61	1st 10 months of 60-61	fiscal year 59-60

III. Successor Status

Granted	-	7	7
Dismissed	-	1	-
Withdrawn	<u>-</u>	<u>1</u>	<u>-</u>
Total	<u>-</u>	<u>9</u>	<u>7</u>

IV. Conciliation Services*

Referred

CLC	66	627	772
Other	<u>27</u>	<u>187</u>	<u>146</u>
Total	93	814	918

Dismissed

CLC	2	13	34
Other	<u>-</u>	<u>4</u>	<u>3</u>
Total	2	17	37

Withdrawn

CLC	1	19	53
Other	<u>-</u>	<u>15</u>	<u>3</u>
Total	1	34	56
TOTAL:	<u>96</u>	<u>865</u>	<u>1011</u>
Conciliation Appl'ns Disposed of			

*Includes applications for conciliation services re unions claiming successor status.

- 352 - APPLICATIONS DISPOSED OF BY
THE BOARD (cont'd)

Disposition	Number of Appl'ns Disposed of		
	January '61	1st 10 months of fiscal year 60-61	59-60
<hr/>			
V. <u>Determination under</u> <u>Section 79</u>			
Granted	-	1	2
Dismissed	1	3	1
Withdrawn	<u>-</u>	<u>4</u>	<u>4</u>
Total	<u>1</u>	<u>8</u>	<u>7</u>
VI. <u>Consent to Early</u> <u>Termination of</u> <u>Agreement</u>			
Granted	-	1	-
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>-</u>	<u>1</u>	<u>-</u>
VII. <u>Declaration that</u> <u>Strike Unlawful</u>			
Granted	-	4	3
Dismissed	-	1	2
Withdrawn	<u>-</u>	<u>21</u>	<u>20</u>
Total	<u>-</u>	<u>26</u>	<u>25</u>

- 353 - APPLICATIONS DISPOSED OF BY
THE BOARD (cont'd)

Disposition	Number of Appl'ns Disposed of		
	January '61	1st 10 months of fiscal year 60-61	59-60

VIII. Declaration that
Loc out Unlawful

Granted	-	1	1
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>3</u>
Total	<u>-</u>	<u>1</u>	<u>4</u>

IX. Consent to
Prosecute

Granted	1	21	27
Dismissed	1	3	9
Withdrawn	<u>3</u>	<u>59</u>	<u>48</u>
Total	<u>5</u>	<u>83</u>	<u>84</u>

X. Miscellaneous*

Granted	-	1	-
Dismissed	-	-	1
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total	<u>-</u>	<u>1</u>	<u>1</u>

*See Case Listings for details.

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TABLE V

REPRESENTATION VOTES IN CERTIFICATION APPLICATIONS DISPOSED
OF BY THE BOARD

Disposition	Number of Votes		
	January '61	1st 10 months of fiscal year 60-61	59-60
<hr/>			
(1)			
<u>Certification After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	6	29	18
Choice between 2 unions	6	37	29
Other	-	1	-
Total Certified	12	67	47
 <u>Dismissed After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	3	49	50
Choice between 2 Unions	3	12	16
Other	-	-	-
Total Dismissed	<u>6</u>	<u>61</u>	<u>66</u>
GRAND TOTAL:	<u>18</u>	<u>128</u>	<u>113</u>
Certification Appl'ns Disposed of after vote			

(1) See Explanatory Notes, April 1960 Report, Page 3.

TABLE VI

REPRESENTATION VOTES IN TERMINATION APPLICATIONS DISPOSED OF
BY THE BOARD

Disposition	Number of Votes		
	January '61	1st 10 months of fiscal year 60-61	of fiscal year 59-60

Respondent Union Successful*

CLC	-	2	4
Other	-	3	-
Total	-	5	4

Respondent Union Unsuccessful

CLC	-	8	17
Other	-	3	4
Total	-	11	21

GRAND TOTAL:		16	25
Termination Appl'ns	-		
Disposed of after vote			

*In termination proceedings where a vote is taken, the applicant is a group of employees, or the employer; the incumbent union is thus the respondent

PART TWO

CASE LISTINGS

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS

BOARD DURING JANUARY 1961

Bargaining Agents Certified During January
No Vote Conducted

207-60-R: International Hod Carriers Building and Common Labourers Local 247 of the City of Kingston (Applicant) v. Foley Construction Limited (City of Kingston) (Respondent).

Unit: "all construction labourers of the respondent in the City of Kingston and within a twenty-five mile radius from the city limits of the City of Kingston, save and except non-working foremen and persons above the rank of non-working foreman." (8 employees in the unit)

229-60-R: Operative Plasterers and Cement Masons International Association of the United States and Canada, Local 117-C (Applicant) v. Ontario Stress-Crete Limited (Burlington) (Respondent).

Unit: "all employees of the respondent at Burlington, save and except foremen, persons above the rank of foreman, and office and sales staff." (10 employees in the unit)

The Board endorsed the Record in part as follows:

"The Board has considered the representations of the parties with respect to the eligibility for membership in the bargaining unit of certain employees of the respondent.

Having regard to the evidence before the Board, and to the submissions of the parties, including the undertaking of the applicant that it was prepared to take into membership the employees affected, the Board finds that the objections of the respondent cannot be sustained. While differing in some respects the attention of the parties is directed to the John E. Riddell and Son Ltd., Case CCH Canadian Labour Law Reporter Transfer Binder 1955-59, 16,085."

236-60-R: The North York Township Staff Association, Local Union 373, National Union of Public Employees (Applicant) v. The Corporation of the Township of North York (swimming pools, Township of North York) (Respondent).

Unit: "all employees of the respondent at its swimming pools, save and except aquatic supervisor, persons above the rank of aquatic supervisor, persons regularly employed for not more than 24 hours per week, students hired for the school vacation period and persons bound by subsisting collective agreements." (12 employees in the unit)

244-60-R: International Hod Carriers', Building and Common Labourers' Union of America, (AFL-CIO) (CLC) Local 527 (Applicant) v. Roger Cayer, Plasterer (Ottawa) (Respondent).

Unit: "all construction labourers of the respondent employed at and working out of Ottawa, save and except non-working foremen and persons above the rank of non-working foreman." (11 employees in the unit)

291-60-R: The National Union of Public Employees (Applicant) v. The Corporation of the Township of Bertie (Township of Bertie) (Respondent).

Unit: "all employees of the respondent employed in its road and water departments, save and except superintendents, persons above the rank of superintendent, and office staff." (19 employees in the unit)

304-60-R: International Union of Operating Engineers Local 796 (Applicant) v. Ross Memorial Hospital (Lindsay) (Respondent).

Unit: "all stationary engineers in the employ of the respondent at Lindsay save and except the chief engineer." (5 employees in the unit)

314-60-R: United Brotherhood of Carpenters and Joiners of America, Local Union 93 (Applicant) v. Canadian Vickers Limited (Ottawa) (Respondent).

Unit: "all millwrights and their apprentices in the employ of the respondent at its Wind Tunnel Project at Uplands Airport, Ottawa, save and except non-working foremen and persons above the rank of non-working foreman." (6 employees in the unit)

326-60-R: Beverage Dispensers Union, Local 757, Port Arthur & Fort William, of the Hotel and Restaurant Employees' and Bartenders' International Union (A.F. of L. - C.I.O.) affiliated with the Canadian Labour Congress, Lakehead and District Trades and Labour Council, Ontario Provincial Council of Culinary Workers, Bartenders and Hotel Service Employees (Applicant) v. Waverley Hotels (Port Arthur) Limited (Port Arthur) (Respondent).

Unit: "all bartenders and waiters in the employ of the respondent in its liquor lounge on the mezzanine floor of its Shoreline Motor Hotel at Port Arthur, save and except the lounge supervisor, persons above the rank of lounge supervisor and persons regularly employed for not more than 24 hours per week." (3 employees in the unit)

345-60-R: Local Union 822, National Union of Public Employees (Applicant) v. Kenora General Hospital (Kenora) (Respondent) v. International Union of Operating Engineers, Local 940 (Intervener).

Unit: "all employees of the respondent at Kenora, save and except professional medical staff, graduate nursing staff, undergraduate nurses, graduate pharmacists, undergraduate pharmacists, graduate dietitians, student dietitians, technical personnel, supervisors, persons above the rank of supervisor, office staff, persons regularly employed for not more than 24 hours per week and persons bound by a subsisting collective agreement between the respondent and the intervener dated June 17, 1960." (23 employees in the unit)

The Board endorsed the Record in part as follows:

"For the purposes of clarity the Board declares that the term technical personnel comprises physiotherapists, occupational therapists, psychologists, electro-encephalographists, electrical shock therapists, laboratory, radiological, pathological and cardiological technicians."

354-60-R: Retail, Wholesale and Department Store Union, AFL-CIO-CLC (Applicant) v. Weston Bakeries Limited (at its Sunbeam Bread Division at Beamsville) (Respondent).

Unit: "all employees of the respondent in its Sunbeam Bread Division at Beamsville, save and except route foremen, sales supervisors, persons above the rank of route foreman or sales supervisor, and office staff." (11 employees in the unit)

361-60-R: Local Union 633, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO (Applicant) v. Caldwell Foods Limited (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent in Metropolitan Toronto, save and except foremen, persons above the rank of foreman, office staff, driver-salesmen and persons regularly employed for not more than 24 hours per week." (33 employees in the unit)

379-60-R: The United Brotherhood of Carpenters and Joiners of America, Local 2466 (Applicant) v. M. Sullivan and Son Limited (Town of Renfrew) (Respondent).

Unit: "all carpenters and carpenters' apprentices of the respondent employed at and working out of the Town of Renfrew save and except non-working foreman." (7 employees in the unit)

382-60-R: United Brotherhood of Carpenters and Joiners of America, Local Union 2480 (Applicant) v. Konvey Construction Company Limited (within a radius of twenty miles of the City of Barrie, including all the lands under the jurisdiction of the Department of National Defence Camp Borden, Ontario) (Respondent).

Unit: "all carpenters and carpenters' apprentices in the employ of the respondent within a radius of twenty miles of the City of Barrie, including all the lands under the jurisdiction of the Department of National Defence Camp Borden, Ontario, save and except non-working carpenter foreman and persons above the rank of non-working carpenter foreman." (2 employees in the unit)

The Board endorsed the Record in part as follows:

"Having regard to the decision of this Board in Economy Construction Case #15772-58, October Monthly Report of The Ontario Labour Relations Board, page 17, and the history of collective bargaining of the applicant in the Barrie area, the Board finds that all carpenters and carpenters' apprentices in the employ of the respondent within a radius of twenty miles of the City of Barrie, including all the lands under the jurisdiction of the Department of National Defence Camp Borden, Ontario, save and except non-working carpenter foreman and persons above the rank of non-working carpenter foreman."

393-60-R: Milk Drivers and Dairy Employees Local Union No. 647, of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Pet Milk Company (Canada) Limited (at the Old Cherry Hill Cheese House in Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at the Old Cherry Hill Cheese House in Metropolitan Toronto, save and except foremen, persons above the rank of foreman and office staff." (33 employees in the unit)

400-60-R: Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America (Applicant) v. Greater Niagara Transit Commission (City of Niagara Falls and Stamford Township) (Respondent).

Unit: "all employees of the respondent in the City of Niagara Falls and Stamford Township, save and except foremen, persons above the rank of foreman, office staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period."
(19 employees in the unit)

18,570-59: District 50, United Mine Workers of America (Applicant) v. Du Pont of Canada Limited (at its Nipissing Works in the Township of West Ferris) (Respondent).

Unit: "all employees of the respondent at its Nipissing Works in the Township of West Ferris, save and except foremen, persons above the rank of foreman, nursing staff, office and sales staff and security guards." (140 employees in the unit)

The Board endorsed the record as follows:

"There is no suggestion that the documentary evidence of membership submitted by the applicant union in support of its application is in itself in any way defective and a check of the evidence discloses the applicant's membership position to be in excess of sixty-five per cent of the employees in the bargaining unit which, as is set out below, we find to be appropriate in this case. The question which in our opinion has to be determined at this stage is whether there is evidence before us of such a nature that we should, in the exercise of our discretion under subsection 2 of section 7 of The Labour Relations Act, R.S.O. 1950, c. 194, direct that a representation vote be taken.

In so far as any documentary evidence that was filed with us indicating that any employees opposed the application is concerned, whatever overlap there is in the material is insufficient in numbers to reduce the applicant to a vote position. Indeed, even if all the names on the petition overlapped membership cards, the applicant union's position would still be not less than slightly under sixty-three per cent. The submission of the objectors in this case is that a vote should be directed because, they say, but for certain actions on the part of an officer of the applicant trade union, namely F. Ellieff, they would have been able to obtain additional signatures on a document indicating opposition to the application in sufficient numbers to reduce the applicant to a vote position.

On our reading of the evidence, there is nothing of a coercive nature in what was said or done by Ellieff which would fall within the terms of subsection 1 of section 48 of The Labour Relations Act, R.S.O. 1950, c. 194 (now section 52 of R.S.O. 1960, c. 202). Two witnesses testified that they have been told by their wives that they had been subjected to telephone harassment. It may be that in a proper case such harassment might constitute coercion or intimidation within the meaning of the provision just referred to. However, in the instant case, the wives were not called as witnesses and there was no indication that there was any reason that they could not be called. We do not know what was said to them or how often they were called. We do not feel that weight can be given on such an important issue to hearsay evidence of the nature we have before us. Nor in our opinion does the delivery of the dead rat, unsavoury and revolting though the act undoubtedly is, constitute coercion or intimidation. On the evidence it appears to us to have been intended by Ellieff and understood by the person who delivered it and by the recipient as a charge of disloyalty on the part of the recipient to his fellow employees and not as a threat to the recipient's person or employment. Indeed, both the recipient of the rat and his chief associate stated in evidence that the delivery of the rat had nothing to do with their desisting from pressing the petition.

Beyond the incidents set out above, Ellieff undoubtedly resorted to social pressure to induce those who were sponsoring the petition to destroy it and to discontinue their efforts to procure signatures on it. We do not think that the Board was constituted to act as a censor of social pressures used either to persuade employees to join or not to join a union or to oppose or not to oppose a union unless the pressure is of such a nature that it places a person's employment in jeopardy either directly or by implication. Here there is not the slightest suggestion that Ellieff had power to cause anyone to be discharged or that anyone who signed the petition would be discharged. Indeed, there was evidence before the Board that several of the supporters of the petition at one stage, before the petition was destroyed, communicated with the plant manager and were assured by him that no one would be discharged because of "his activity for the union". Reference by Ellieff to the fear of possible employer reaction to unionization, a fear the existence of which whether rational or irrational is recognized by the Act itself as a significant factor in cases of this nature, surely cannot be treated as undue or improper influence.

Before leaving this case, we should like to point out that the views expressed by Board Member C. C. Young as to the course which he would follow in view of the age of the documentary evidence submitted by the applicant union run counter to the Board's practice in this regard over many years. We are not prepared in this case to alter the principles that have been followed by the Board on this score on the basis of the evidence before us.

We find that all employees of the respondent at its Nipissing Works in the Township of West Ferris, save and except foremen, persons above the rank of foreman, nursing staff, office and sales staff and security guards constitute a unit of employees of the respondent appropriate for collective bargaining.

We find further that more than fifty-five per cent of the employees in the bargaining unit are members of the applicant. Having regard to the considerations set out above, we do not find it necessary to require the confirmatory evidence of a representation vote.

A certificate will issue to the applicant."

Board Member C. C. Young dissented and said:

"I dissent. In all of the circumstances of this case, I would not have certified without the confirmatory evidence of a representation vote.

I am not satisfied, in the first place, that the evidence of membership placed before the Board by the applicant union in this case necessarily represented the true wishes of the employees in the bargaining unit at the time of the hearing; and, secondly, for reasons which the Board itself has adopted in other circumstances, I am not prepared to give full weight to evidence of membership which is at least fifteen months old at the time the case comes up for decision.

So far as the first point is concerned, it is clear from the evidence that, before the first hearing in this matter, petitions in opposition to the certification of the union were circulated among the employees. Three such petitions were in circulation and it is clear that eight or ten and perhaps as many as sixteen signatures were obtained in the first twenty-four hours and that others had indicated their desire to sign the petition.

The evidence is, however, that news of these petitions reached the ears of Mr. Ellieff, an organizer for the applicant union, and that he immediately sought to stop their circulation. In this endeavour he was successful, and his methods were, to say the least, direct.

Douglas Wattie who circulated one of the petitions testifies that Ellieff warned him "not to interfere with the other lads", and proceeded to inform him that if the union "didn't go in", the lads campaigning with him (Ellieff) "would be put out by management". This latter statement is of considerable importance since it was repeated by Ellieff in equally categorical terms on a variety of occasions to Wattie and to Martin, the other petitioner who gave evidence, and to groups of other employees, and came to be believed by at least some of them and to be a principal reason for the action taken by the petitioners. As Wattie testified "I tore up the petition because lots of organizers for the union are my friends and I wouldn't want them to lose their jobs because of me". And Mr. Martin "I agreed with Wattie to stop the petition. Why? Because of everything that was happening....my friends thought they would lose their jobs if the union didn't come in", and later "Ellieff said to me on the 'phone that jobs would be lost....he indicated that if I saw my friends' wives and children walking down the street, I would hang my head in shame, knowing I had caused them to lose their jobs".

But this was not all. Ellieff arranged, on the very day the petition was being circulated, for the delivery to Wattie's home of an unmarked shoe box, containing the butchered body of a dead rat, together with a note inscribed "from your fellow workers". For good measure Ellieff discussed the rat incident with Martin that same day and suggested that Wattie deserved what happened to him.

One further reason impelled Wattie and Martin to destroy the petitions. Each of them testified that he had returned from work early in the morning following the rat incident to discover his wife badly upset, claiming to have been annoyed and kept awake by a series of anonymous 'phone calls.

Now this is not the best evidence that such calls were in fact received, and there is no evidence that Wattie and Martin knew at that time that the witness Jackson had been present when Ellieff made a series of such calls the previous night and had received an admission from Ellieff that his purpose was to harrass and annoy the recipients, but Wattie and Martin were nonetheless influenced by their wives distress to take the action they did.

As Wattie and Martin testified, these were the reasons which impelled them to cease their efforts to gather further signatures and to destroy the petitions which already were in existence. Martin summarized his reasons as encompassing the rat incident, the fears of his friends that they would lose their jobs, Ellieff's insistence that these fears would be realized if he persisted with the petition, and his wife's worry. In his own words "the situation was just too hot".

In their submissions to the Board, counsel for the respondent and for the intervening employees argued that this evidence, to which there was no reply whatever from the applicant, was proof of coercion and intimidation, and counsel for the applicant argued with equal vigour that no such conclusion was warranted.

While I agree with the affirmative submissions on this point, I cannot agree that a contrary conclusion on this narrow point necessarily disposes of the matter. The real issue before the Board is the weight to be given to the evidence of membership submitted by the union. The Board must be satisfied that more than 55% of the employees in the unit are members of the trade union before it can certify without a vote and while there may be room for argument that Ellieff's conduct did not, in the strictest sense, constitute coercion and intimidation, there can be no question as I read the evidence that it did constitute the use of undue and improper influence. Ellieff's repeated assertion that the company would fire all those who campaigned for the union if the union did not get in, was thoroughly improper, even defamatory; but so insistently did he advance it that it came to be believed and to be a principal reason for the decision of the petitioners. Add to this the butchered rat and its accompanying note and we might well agree with Martin that the situation was, indeed, just too hot.

In the light of my conclusions on the evidence I am far from satisfied that the documentary evidence of the applicant can be given the weight which my colleagues have given it. I am not satisfied, on the basis of all the evidence, that more than 55% of the employees in the unit are members of the union and I am not prepared to agree that it is permissible under the terms of The Labour Relations Act to use the means Ellieff used here to prevent the wishes of the employees coming to the attention of the Board.

So far as my second point is concerned, my views can be simply stated. For many years the Board has said that if the documentary evidence of membership submitted by a union in support of an application for certification is more than six months old at the time of filing, and is not supported by any more recent expression of interest or support by the employees affected, the Board will not give full weight to such evidence and grant outright certification, but will order that a representation vote be taken. Further, if the documentary evidence is more than a year old at the time of filing it will be given no weight and the application will be dismissed.

Now I recognize that in applying what is, in effect, a purely mechanical policy the Board considers only the period up to the date of filing, and I recognize too, that it would be unfair, even absurd, for me to suggest that any such rigid tests should be applied whenever there is a lapse of time between the hearing of the case and its disposition by the Board. Cases vary greatly in their complexity and it is by no means feasible for the Board to dispose of every case immediately after the hearing. When, however, as in this case, some sixteen months elapse between the date of filing and the date of decision, and all the evidence and argument has been before the Board for over fourteen months before the decision is made, I cannot, in deciding what weight to give to the evidence of membership, ignore the considerations which underly the policy I have mentioned or reach any conclusion other than that the Board should exercise its discretion under Section 7(2) and direct that a representation vote be taken."

20,507-60: International Union of Operating Engineers, Local 796 (Applicant) v. The Runnymede Hospital (Toronto) (Respondent).

Unit: "all stationary engineers in the employ of the respondent at Toronto." (4 employees in the unit)

400-60-R: Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America (Applicant) v. Greater Niagara Transit Commission (City of Niagara Falls and Stamford Township) (Respondent).

Certified Subsequent to Pre-Hearing Vote

97-60-R: International Union of Operating Engineers Local 796 (Applicant) v. American Optical Company Canada Limited (Belleville) (Respondent) v. United Rubber, Cork, Linoleum & Plastic Workers of America (Intervener).

Unit: "all stationary engineers employed in the boiler room of the respondent at its plant in Belleville, save and except chief engineer and persons above the rank of chief engineer." (3 employees in the unit)

On January 13th, 1960, Board Member D.B. Archer said:

"In my opinion Mr. Ernest Trumble, the Chief Engineer, would be included in the usual stationary engineers' unit since he stands a shift. I would therefore have included him in the bargaining unit."

Number of names on revised voters' list		3
Number of ballots cast		3
Number of ballots marked in favour of applicant	3	
Number of ballots marked in favour of intervener	0	

231-60-R: International Hod Carriers', Building and Common Labourers' Union of America (AFL-CIO) (CLC) Local 1250 (Applicant) v. Rayner Construction Limited (Ottawa Queensway Project, Ottawa) (Respondent).

Unit: "all construction labourers of the respondent employed at its Ottawa Queensway project at Ottawa, save and except non-working foremen, and persons above the rank of non-working foreman." (38 employees in the unit)

Number of names on revised voters' list		22
Number of ballots cast		22
Number of ballots marked in favour of applicant	20	
Number of ballots marked against applicant	2	

232-60-R: The Canadian Union of Operating Engineers (Applicant) v. Gerber Products of Canada, Ltd. (steam plant, Niagara Falls) (Respondent) v. International Union of Operating Engineers, Local 866 (Intervener).

Unit: "all stationary engineers in the employ of the Respondent at its steam plant in Niagara Falls, save and except the chief engineer and persons regularly employed for not more than 24 hours per week." (5 employees in the unit)

Number of names on revised voters' list		5
Number of ballots cast		5
Number of ballots marked in favour of applicant	5	
Number of ballots marked in favour of intervener	0	

233-60-R: The Canadian Union of Operating Engineers (Applicant) v. The McKinnon Industries, Limited (Plant #1, St. Catharines and Plant #2, Grantham Township) (Respondent) v. International Union of Operating Engineers, Local 866 (Intervener).

Unit: "all stationary engineers and power house helpers employed by the respondent in its power houses at the respondent's plant #1, St. Catharines, Ontario, and plant #2, Grantham Township, Ontario, save and except chief engineers and persons above the rank of chief engineer."
(24 employees in the unit)

Number of names on revised eligibility list		22
Number of ballots cast		22
Number of ballots marked in favour of applicant	20	
Number of ballots marked in favour of intervener	2	

255-60-R: The Canadian Union of Operating Engineers (Applicant) v. Guelph Stove Company Limited (Guelph) (Respondent).

Unit: "all stationary engineers employed by the respondent in its premises at Guelph, save and except the chief engineer and persons above the rank of chief engineer."
(4 employees in the unit)

Number of names on Voters' list		4
Number of ballots cast	4	
Number of ballots marked in favour of applicant	4	
Number of ballots marked as opposed to applicant	0	

Certified Subsequent to Post-Hearing Vote

7-60-R: The Canadian Union of Operating Engineers (Applicant) v. Minesota Mining & Manufacturing of Canada Limited (boiler house, London) (Respondent) v. International Union, United Automobile, Aircraft and Agricultural Implement Workers of America UAW (Intervener) v. International Union of Operating Engineers, Local 944 (Intervener).

Unit: "all stationary engineers employed in the boiler house of the respondent at London." (5 employees in the unit)

Number on revised voters' list		5
Number of ballots cast	5	
Number of ballots marked in favour of applicant	5	
Number of ballots marked in favour of intervener, International Union of Operating Engineers, Local 944	0	

132-60-R: International Union, United Automobile Aircraft and Agricultural Implement Workers of America (UAW) (Applicant) v. Key Air Conditioning and Refrigeration Limited (Barrie) (Respondent).

Unit: "all employees of the respondent at Barrie, save and except foremen, persons above the rank of foreman, and office staff." (125 employees in the unit)

The Board endorsed the Record in part as follows:

"The Board notes the agreement of the parties to exclude the two janitors, E. Davies and R. M. Saunders, from the bargaining unit."

Number of names on revised eligibility list		120
Number of ballots cast	120	
Number of ballots segregated and not counted	2	
Number of ballots marked in favour of applicant	63	
Number of ballots marked as opposed to applicant	55	

155-60-R: United Packinghouse, Food and Allied Workers
(Applicant) v. J.B. Jackson Limited (Dairy Products Division
Plant, Simcoe) (Respondent).

Unit #2: "all employees of the respondent at its Dairy
Products Division Plant at Simcoe, save and except watchmen,
office staff, drafting and engineering department staffs,
foremen, and persons above the rank of foreman."
(49 employees in the unit).

Number of names on revised eligibility list		49
Number of ballots cast	49	
Number of ballots marked in favour of applicant	26	
Number of ballots marked in favour of J.B. Jackson Limited Creamery Employees Association	23	

19,274-59: Amalgamated Lithographers of America, Local 12
(Applicant) v. Toronto Lithographing Company Limited (Toronto)
(Respondent).

Unit: "all lithographers and their apprentices and helpers
in the employ of the respondent at Toronto, save and except
non-working foremen and persons above the rank of non-working
foreman." (7 employees in the unit)

Number of names on revised eligibility list		7
Number of ballots cast	7	
Number of ballots in favour of applicant	6	
Number of ballots opposed to applicant	1	

20,565-60: Northern Electric Office Employee Association
(Applicant) v. The Northern Electric Company Limited (London
Works, County of Middlesex) (Respondent).

Unit: "all office and clerical employees of the respondent
at its London Works in the County of Middlesex, save and
except section chiefs, persons above the rank of section
chief, engineers, members of the Personnel Department,
nurses, one secretary to the works manager and one secretary
to each person reporting directly to the works manager."
(114 employees in the unit)

Number of names on revised eligibility list		122
Number of ballots cast	112	
Number of ballots marked in favour of applicant	85	
Number of ballots marked as opposed to applicant	27	

20,611-60: International Union of Operating Engineers
(Applicant) v. McWayne-Walker Limited (St. Catharines)
(Respondent).

Unit: "all employees of the respondent employed at and
working out of St. Catharines, save and except foremen,
persons above the rank of foreman and office staff."
(7 employees in the unit)

Number of names on revised eligibility list		6
Number of ballots cast	6	
Number of ballots marked in favour of applicant	4	
Number of ballots marked as opposed to applicant	2	

20,692-60: The Canadian Union of Operating Engineers
(Applicant) v. Hiram Walker & Sons Limited (Walkerville
power plant) (Respondent) v. International Union of Operating
Engineers, Local 944 (Intervener).

The Board endorsed the Record in part as follows:

"For the reasons given in writing, the
Board finds that this application is timely."

Unit: "all employees of the respondent at its Walkerville
power plant, save and except the chief engineer."
(29 employees in the unit)

Number of names on eligibility list		29
Number of ballots cast	29	
Number of ballots marked in favour of applicant	17	
Number of ballots marked in favour of intervener	12	

Applications for Certification Dismissed No Vote Conducted

85-60-R: National Union of Public Employees, C.L.C.
(Applicant) v. Religious Hospitallers of St. Joseph (Cornwall)
(Respondent) (228 employees).

217-60-R: International Union of Operating Engineers Local
796 (Applicant) v. Lily Cups Limited (Toronto) (Respondent)
v. Printing Specialties & Paper Products Union. Local 466
(Intervener). (6 employees).

The Board endorsed the Record as follows:

"The applicant seeks a bargaining unit comprising stationary engineers and helpers. Counsel for the intervening union, the incumbent, submits that the bargaining unit proposed by the applicant is inappropriate by reason of the bargaining history in this plant. This history is as follows: the intervener was certified by this Board on March 24, 1953, following a representation vote, as bargaining agent for a unit consisting of all employees of the respondent with exceptions not here material. The stationary engineers were included in this bargaining unit. The stationary engineers have also been included in the bargaining unit covered by the several collective agreements entered into by the respondent and the intervening union since the date of certification. The present agreement contains provisions dealing expressly with the hours of work and wage rates of stationary engineers.

Counsel for the respondent company informed the Board that the company, having 'considered its position', desire 'to take a neutral position'. Nevertheless, he said, the company 'subscribed in principle' to what had been said by counsel for the intervener. The representative of the applicant made no representations whatsoever as to the appropriateness of the bargaining unit despite an invitation from the Board to make submissions in that regard.

The Board is of opinion, in view of the facts set out above and the recent amendment to subsection 2 of section 6 of The Labour Relations Act, that the unit proposed by the applicant is inappropriate in the circumstances of this case. The application is accordingly dismissed."

253-60-R: National Union of Public Service Employees (Applicant) v. South Peel Board of Education (Janitorial and Maintenance Staff) (Respondent). (63 employees).

The Board endorsed the Record as follows:

"The Board finds that the respondent is a municipality as defined in the Department of Municipal Affairs Act and that it has declared under section 78 of The Labour Relations Act, R.S.O. 1950, c. 194 (now section 89 of The Labour Relations Act, R.S.O. 1960, c. 202) that The Labour Relations Act shall not apply to it in its relations with its employees or any of them. In view of the action of the respondent in making such a declaration,

the Board has no jurisdiction to process this application further and the proceeding is accordingly terminated.

The attention of the applicant is drawn to the fact that the only copy of Form 9 filed by the applicant in support of its application did not relate to the documentary evidence of membership in the applicant which was properly before the Board.

The attention of the applicant is further drawn to the decision in the Spicknell Transport Limited, London Case, File No. 73-60-R."

292-60-R: General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Export Packers Co. Ltd. (Toronto) (Respondent). (16 employees).

The Board endorsed the Record as follows:

"Application dismissed by reason of the non-appearance of the applicant at the hearing held by the Board in the matter."

305-60-R: The United Brotherhood of Carpenters and Joiners of America, Local 2466 (Applicant) v. M. Sullivan & Son Ltd. (District of the Town of Renfrew, Townships of Horton and Admaston in the County of Renfrew) (Respondent). (7 employees).

The Board endorsed the Record in part as follows:

"In accordance with section 2 of the Rules of Procedure, the Registrar, as directed by the Board, fixed December 30, 1960, as the terminal date for this application and, in accordance with subsection 1 of section 4 of the Rules, served the applicant with a notice of the fixing of the terminal date in Form 2 by registered mail on December 21, 1960, addressed to the applicant at its address for service referred to in the application. The applicant filed its documentary evidence of membership by registered mail on December 31, 1960, the day following the terminal date.

Under clause (b) of subsection 1 of section 50 of the Rules, evidence of membership in a trade union shall not be accepted by the Board on an application for certification unless the evidence is filed not later than the terminal date for the application.

(Under subsection 1 of section 52 of the Rules the filing is deemed to be made (a) at the time a document is received by the Board or (b) at the time it is mailed by registered mail addressed to the Board). In making this Rule the Board was exercising the power conferred upon it by clause (i) of subsection 2 of section 67 (now R.S.O. 1960, c. 202, s. 77(2) (i) of The Labour Relations Act. In the circumstances the Board refused to accept the evidence of membership filed by the applicant, and the Registrar returned it to the applicant on January 3, 1961.

Since there is no evidence of membership in the applicant properly filed with the Board, the application is accordingly dismissed."

325-60-R: Beverage Dispensers Union, Local 757, Port Arthur & Fort William, of the Hotel and Restaurant Employees' and Bartenders' International Union (A.F. of L. - C.I.O.) affiliated with the Canadian Labour Congress, Lakehead and District Trades and Labour Council, Ontario Provincial Council of Culinary Workers, Bartenders and Hotel Service Employees (Applicant) v. Royal Edward Hotel (Fort William Hotels Ltd.) (Fort William) (Respondent).

Unit: "the employees in the liquor lounge of the respondent at the Royal Edward Hotel in Fort William, save and except persons regularly employed for not more than 24 hours per week." (7 employees in the unit)

334-60-R: Independent Union of Watercraft (Applicant) v. Watercraft Industries Limited (Peterborough plant) (Respondent) (84 employees).

The Board endorsed the Record as follows:

"The applicant having failed to file evidence of membership in the applicant in accordance with the provisions of section 50 (1) of the Board's Rules of Procedure, the application is therefore dismissed."

340-60-R: United Brotherhood of Carpenters & Joiners of America (Applicant) v. Anglin-Norcross (Ontario) Ltd. (Counties of Kent, Huron and Perth) (Respondent). (13 employees).

The Board endorsed the Record as follows:

"For reasons given orally at the hearing the application is dismissed."

18,942-59: Fuel & Ice Drivers, Yardmen and Helpers, Local Union 352, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Hilliers Fuel Oil Division of Scotch Anthracite Coal Company Limited (Oakville) (Respondent).

Unit: "all employees of the respondent at Oakville, save and except foremen, persons above the rank of foreman, and office and sales staff." (7 employees in the unit)

On June 28th, 1960, the Board endorsed the Record as follows:

"For the purposes of clarity the Board declares that burner service mechanics are included in the bargaining unit."

On January 17, 1961 the Board further endorsed the Record as follows:

"1. Although the applicant has requested leave to withdraw its application herein, the Board following its usual practice in such cases, dismisses the application.

2. The attention of the parties is drawn to the Mathias Ouellette Case (1955) C.C.H. Canadian Labour Law Reporter, Transfer Binder 1955-59 16026, C.L.S. 76-485."

19,024-60: The Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters and Joiners of America, A.F.L. - C.I.O. (Applicant) v. Manitou Trucking Company (woods operations, Townships of Dale, Newton, Frater and Gappel and the townships immediately adjacent thereto) (Respondent).

On August 17, 1961, the Board (Board Members G. Russell Harvey and Edmund Boyer dissenting) directed that a representation vote be taken among the employees of the respondent in the following bargaining unit:

"all employees of the respondent engaged in the woods operations in the Townships of Dale, Newton, Frater and Cappel and the townships immediately adjacent thereto, save and except foremen, persons above the rank of foreman, scalers and tallymen." (70 employees in the unit).

On January 12, 1961, the Board further endorsed the Record in part as follows:

"Having regard to the fact that the respondent company is no longer in existence these proceedings are terminated."

20,470-60: The United Brotherhood of Carpenters and Joiners of America, Local 1669 (Applicant) v. E. Aboline Construction Co. (Dryden) (Respondent).

Unit: "all carpenters and carpenters' apprentices of the respondent employed at and working out of Dryden, save and except non-working foremen and persons above the rank of non-working foremen." (7 employees in the unit).

Applications for Certification Dismissed Subsequent to

Pre-hearing Vote

168-60-R: The Canadian Union of Operating Engineers (Applicant) v. Beardmore & Co. Limited (Acton) (Respondent) v. National Union of Operating Engineers of Canada, Local 14922, District 50, United Mine Workers of America, formerly, National Union of Operating Engineers of Canada, Local 851, United Construction Workers, U.M.W.A. (Intervener).

Voting Constituency: "all operating engineers and helpers regularly employed in the boiler and engine rooms of the respondent at Acton, save and except the chief operating engineer." (9 employees in the constituency).

Number of names on revised voters' list	9
Number of ballots cast	9
Number of ballots marked in favour of applicant	4
Number of ballots marked in favour of intervener	5

230-60-R: General Truck Drivers, Local 879, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers (Applicant) v. Cronkwright Transport Limited (Simcoe, Hamilton and Brantford depots) (Respondent).

Voting Constituency: "all employees of the respondent at its Simcoe, Hamilton, and Brantford Depots, save and except foremen, persons above the rank of foreman, office staff, sales staff, and persons regularly employed for not more than 24 hours per week." (43 employees in the constituency).

Number of names on revised voters' list		36
Number of ballots cast	36	
Number of ballots marked in favour of applicant	14	
Number of ballots marked against applicant	22	

242-60-R: The Canadian Union of Operating Engineers (Applicant) v. Powell and Growers Limited (St. Catharines) (Respondent) v. International Union of Operating Engineers, Local 866 (Intervener).

Voting Constituency:
"all powerhouse employees of the respondent at St. Catharines." (5 employees in the unit).

Number of names on eligibility list		5
Number of ballots cast	5	
Number of ballots marked in favour of applicant	2	
Number of ballots marked in favour of intervener	3	

Applications for Certification Dismissed Subsequent to Post-

Hearing Vote

238-60-R: Fuel, Bus, Limousine, Petroleum Drivers and Allied Employees Local Union No. 352, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Rosen Fuels Limited (Kingston) (Respondent).

Unit: "all employees of the respondent at Kingston, save and except foremen, persons above the rank of foreman, office staff, and persons regularly employed for not more than 24 hours per week." (10 employees in the unit).

Number of names on eligibility list		7
Number of ballots cast	7	
Number of ballots marked in favour of applicant	0	
Number of ballots marked against applicant	7	

20,289-60: The Canadian Union of Operating Engineers (Applicant) v. A.M. Schiffer (Toronto) (Respondent) v. International Union of Operating Engineers, Local 796 (Intervener).

Unit: "all stationary engineers in the employ of the respondent at the Balfour Building, 119 Spadina Avenue, Toronto. (2 employees in the unit).

Number of names on eligibility list		2
Number of ballots cast		2
Number of ballots marked in favour of applicant	0	
Number of ballots marked in favour of intervener	2	

20,383-60: Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters & Joiners of America, A.F.L. - C.I.O. (Applicant) v. George Skidmore (bush operations, Township of Kennedy, District of Cochrane) (Respondent).

Unit: "all employees of the respondent in its bush operations in the Township of Kennedy and District of Cochrane, save and except foremen, persons above the rank of foreman, office staff, scalers and tallymen." (9 employees in the unit).

Number of names on revised eligibility list		9
Number of ballots cast	9	
Number of ballots marked in favour of applicant	0	
Number of ballots marked as opposed to applicant	9	

APPLICATIONS FOR CERTIFICATION WITHDRAWN DURING JANUARY, 1961.

12,834-57: The United Brotherhood of Carpenters and Joiners of America, Local Union #446 (Applicant) v. Great Lakes Power Company Ltd. (district of Algoma, adjacent to the Montreal River Township #28, Range XV, and Home Township) (Respondent). (21 employees).

12,849-57: Local 2537 Lumber and Sawmill Workers Union, United Brotherhood of Carpenters and Joiners of America (Applicant) v. Gauvreau and Gauthier (Adjacent to the Montreal River, Township 28, Range XV and Home Township, in the District of Algoma) (Respondent). (44 employees).

APPLICATIONS FOR TERMINATION OF BARGAINING RIGHTS DISPOSED OF
DURING JANUARY, 1961.

201-60-R: Kingston Terminal Restaurant Ltd. (Kingston)
(Applicant) v. District 50 United Mine Workers of America
(Respondent). (Dismissed) (6 employees).

The Board endorsed the Record as follows:

"This is an application for a declaration terminating bargaining rights under subsection 2 of section 43 (now R.S.O. 1960, c. 202, s. 45 (2) of The Labour Relations Act). The applicant claims that it gave notice to the respondent in accordance with the terms of the collective agreement between the parties and that the respondent failed to commence to bargain within sixty days from the giving of the notice. While the applicant was represented by counsel at the hearing and made certain representations, no evidence was adduced to establish the facts which are material to an application under subsection 2 of section 43. The application is accordingly dismissed but without prejudice to the right to file a new application."

327-60-R: Lakeshore Bakery Limited (Metropolitan Toronto)
(Applicant) v. Milk Drivers and Dairy Employees Union Local
647, of the International Brotherhood of Teamsters, Chauffeurs,
Warehousemen & Helpers of America (Respondent) (Granted)
(6 employees).

(Re: Lakeshore Bakery Limited,
New Toronto, Ontario)

The Board endorsed the Record as follows:

"Since October 20, 1960, no bargaining has taken place between the applicant company and respondent union. The present application was filed December 23, 1960 and the respondent, having been duly notified of the application, did not make any reply or appear at the hearing. The notice of the application was duly posted on the premises of the employer and no objection was received from any of the employees. In all the circumstances of this case, the Board is of opinion that the application should be granted and therefore declares that the respondent no longer represents the employees of Lakeshore Bakery Limited for whom it has heretofore been the bargaining agent."

383-60-R: George Little, 2297 Gerrard St. East, Toronto, Ont. (Applicant) v. General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America (Respondent). (Dismissed).

384-60-R: Stewart H. Ainsworth, 58 Dagmar Avenue, Toronto 8, Ontario (Applicant) v. General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Respondent). (Dismissed).

385-60-R: Harry Broady, 1094 Warden Avenue, Toronto 13, Ontario, (Applicant) v. General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Respondent). (Dismissed).

386-60-R: Alex Marshall, 77 Caroline Avenue, Toronto 8, Ontario (Applicant) v. General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Respondent). (Dismissed).

(4 employees involved in above applications).

(Re: London Forwarders Ltd.,
Toronto).

The above matters were consolidated.

The Board endorsed the Record in part as follows:

"The Board finds that a collective agreement was entered into between the respondent and London Forwarders Ltd. on the first day of July 1959, which agreement included the applicants in the bargaining unit. The collective agreement provides, inter alia, that it shall remain in full force and effect until September 30, 1961. The application is therefore untimely in accordance with the provisions of section 43 (2) (b) of The Labour Relations Act.

The application is therefore dismissed."

19,883-60: Keith Buchanan, Stuart Elliott, Melville Kirkham, Arthur Morris, Gordon A. Parks, Cecil Popplewell, Earle H. Rodger (Applicants) v. Local 1988 of the United Brotherhood of Carpenters and Joiners of America (R. T. Parks & Son Limited, Perth) (Respondent). (Dismissed). (7 employees).

(Re: R. T. Parks & Son Limited,
73 Wilson Street West,
Perth, Ontario)

The Board endorsed the Record as follows:

"The respondent union was certified as bargaining agent for the employees of a firm known as R. T. Parks and Son on August 3, 1955. No collective agreement was entered into between the respondent union and that firm. The employer of the employees on whose behalf the instant application for a declaration terminating bargaining rights has been filed is not the firm of R.T. Parks and Son but a different legal entity, namely, R. T. Parks & Son Limited which was incorporated in 1957. Since the respondent union is not the bargaining agent of the employees of R. T. Parks & Son Limited, it does not represent the employees of that corporation for the purposes of the Act. The Board therefore has no jurisdiction to make a declaration under section 41 (1) of The Labour Relations Act, R.S.O. 1950, c. 194 (now section 43 (1) of The Labour Relations Act, R.S.O. 1960, c. 202). The application is accordingly dismissed."

APPLICATION FOR DETERMINATION UNDER SECTION 79 DISPOSED OF
DURING JANUARY, 1961.

436-60-M: United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada Local Union 67 (Applicant) v. Robert Young (Hamilton) (Respondent).

The Board endorsed the Record as follows:

"United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada Local Union 67, Hamilton (hereinafter referred to as Local 67) has requested the Board for a ruling under subsection 2 of section 68 (now R.S.O. 1960, c. 202, s 79 (2)) of The Labour Relations Act.

In support of its request, Local 67 has submitted the following information:

There is a collective agreement between Local 67 and an entity which it refers to as "the Employers' Association" effective as of July 11, 1960. In the negotiations leading up to this agreement, the name of one, Robert Young, appeared on the list of employers on whose behalf the Association was bargaining and Robert Young took an active part in the early stages of the negotiations and also attended a meeting of the "Conference Board" in November last. Local 67 has received no notification either from the Association or from Mr. Young that the latter's relationship with the Association had been terminated. Two members of Local 67 who had been in the employ of Robert Young ceased to pay their dues as of May, 1960 and were suspended by Local 67 in August, 1960 for non-payment of dues. The agreement between the Association and Local 67 contains a "union shop" clause and it appears that the employer refuses to enforce this clause on the ground that "partnership eliminates the necessity for union membership". It has come to the attention of the union that a company was incorporated on May 26, 1960 under the name of Robert Young & Son Limited and that the two suspended members had "bought into the present company". Local 67 states that both men are "the only journeymen in the shop".

From the above information submitted by the union, the issue would appear to be whether the employer, whoever he or it may be, is violating the union security clause in the collective agreement with the Employers' Association.

If, as Local 67 suggests, there is a collective agreement which is binding upon the two suspended members of Local 67, the issue referred to would appear to be a matter for which relief should be sought under the arbitration provision of that agreement. Under these circumstances, the Board is of the opinion that the question raised by Local 67 is not one with which the Board should deal under subsection 2 of section 68 of The Labour Relations Act.

If, on the other hand, there is no collective agreement binding upon the two suspended members of Local 67, it follows that no question has arisen "during the period of operation of a collective agreement" as to whether these persons are employees within the meaning of subsection 2 of section 68 of The Labour Relations Act and the matter is not properly before the Board. Any conclusion reached by the Board with respect to the status of these persons would, as a result, be of an academic nature. Moreover, it is not the policy of the Board to give advisory opinions.

In view of all the circumstances, the Board is of opinion that Local 67 has not made out a prima facie case for the remedy requested. The application is accordingly dismissed.

APPLICATIONS FOR CONSENT TO PROSECUTE DISPOSED OF DURING

JANUARY, 1961.

300-60-U: Edward David Hurst (Applicant) v. Century Engineering Company Limited (Toronto) (Respondent). (Granted).

The Board endorsed the Record as follows:

"The Board consents to the institution of a prosecution of the respondent for Failure to comply with the provisions of section 11 of The Labour Relations Act R. S.O. 1950 c. 194 as amended (now section 12, R.S.O. 1960 c. 202."

20,326-60: Schwenger Construction Limited (Tillsonburg Sewage Treatment Plant project, Tillsonburg) (Applicant) v. B. Laurie, P. Fedoruk, M. Munroe, A. Virag, J. Gocza, P. Dair, A. Visene, M. Detenshen, F. Eszes, N. Mills, J. Kimberley, C. Halliday (Respondent). (Withdrawn).

20,327-60: Schwenger Construction Limited (Tillsonburg Sewage Treatment Plant, Tillsonburg) (Applicant) v. United Brotherhood of Carpenters and Joiners of America, A.F.L., C.I.O. C.L.C. (Respondent). (Withdrawn).

20,665-60: Local 3189, United Brotherhood of Carpenters & Joiners of America (Applicant) v. Superior Box Company Limited (Kitchener) (Respondent). (Dismissed).

The Board endorsed the Record as follows:

"For the reasons given in writing
this application is dismissed."

Board Member G.R. Harvey dissented and said:

"For the reasons given in writing I
dissent. I would have granted leave."

20,699-60: Local 1817, United Steelworkers of America
(Applicant) v. Fittings Limited (Oshawa) (Respondent)
(Withdrawn).

APPLICATIONS UNDER SECTION 65 (UNFAIR LABOUR PRACTICE)

DISPOSED OF DURING JANUARY, 1961.

270-60-U: National Union of Public Employees (Complainant)
v. City Parking Ltd. (Toronto) (Respondent).

403-60-U: Teamsters, Chauffeurs, Warehousemen & Helpers
Union Local 880, affiliated with International Brotherhood
of Teamsters, Chauffeurs, Warehousemen & Helpers of America
(Complainant) v. Husband Transport Limited (London, Ontario)
(Respondent).

409-60-U: Upholsterer's International Union of North America,
through its Local 400 (Complainant) v. The Globe Spring &
Cushion Company Ltd. (Toronto) (Respondent).

446-60-U: International Union U.A.W. (Complainant) v. Key
Air Conditioning and Refrigeration Ltd. (Barrie) (Respondent).

477-60-U: Teamsters, Chauffeurs, Warehousemen & Helpers Union,
Local 880, affiliated with International Brotherhood of Teamsters
Chauffeurs, Warehousemen & Helpers of America (Complainant) v.
Thames Valley Ambulance Limited (London) (Respondent).

SPECIAL ENDORSEMENTS IN CERTIFICATION APPLICATIONS DISPOSED

OF BY THE BOARD

47-60-R: United Brotherhood of Carpenters and Joiners of
America, Local Union #1450 (Applicant) v. Charles Huffman Ltd.
(Peterborough) (Respondent).

On January 12th, 1961 the Board further endorsed the Record
as follows:

"1. The Board has considered the submissions contained in the letter from the solicitors for the respondents dated January 3, 1961. The Board took all these submissions into consideration when arriving at its decision of December 23, 1960.

2. As the said letter contains no new submissions or suggests no new evidence the Board finds that in all the circumstances it does not consider it advisable to reconsider or vary its decision of December 23, 1960.

3. The request that the Board reconsider its decision of December 23, 1960 is therefore denied."

SPECIAL ENDORSEMENTS IN CONCILIATION CASES DISPOSED

OF BY THE BOARD

19,798-60: Sheet Metal Workers' International Association Local Union 47 (Applicant) v. H.G. Francis & Sons Limited (Ottawa & Vicinity) (Respondent). (Dismissed).

The Board endorsed the Record as follows:

"The Board has considered the applicant's letter of January 9, 1961. This case is one arising under The Labour Relations Act as it stood prior to the 1960 amendments and the 1960 amendments to sections 12 and 13 thus have no bearing on this case.

The Board is unable to grant relief under section 12, subsection 3 of the Act (as it was before October 22, 1960) unless it is satisfied that the employer has done certain things as set out in that subsection. The Board cannot be satisfied on the basis of allegations which have not been substantiated by evidence. There is no evidence before the Board to support the allegations which have been made by the applicant.

Since the applicant in its letter of January 9th makes it clear that it does not intend to produce any evidence, the Board has no alternative but to deny its request at this time for relief under section 12, subsection 3.

The Board's direction to meet and bargain in good faith was dated August 2 , 1960. No bargaining has taken place since that date. In all the circumstances, the Board is of the opinion that the applicant's request that conciliation services be granted must be denied, but without prejudice to another application being filed, if the applicant is able to meet the requirements of the legislation.

The application is accordingly dismissed."

194-60-C: The International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, affiliated to American Federation of Labour and Congress of Industrial Organization, Local 27 (Applicant) v. Central Chevrolet Oldsmobile Limited (London) (Respondent).

The Board endorsed the Record as follows:

"This application for conciliation services is based upon a collective agreement between the applicant and a company known as Central Chevrolet Oldsmobile Limited, the respondent named in the application, (hereinafter referred to as the old company). It appears to the Board, on the material presently before it, that a separate company known as Central Chevrolet Oldsmobile (London) Limited, (hereinafter referred to as the new company) came into existence during the operation of this collective agreement, took over that part of the old company's business affected by this application, and operated it on the same premises. While the applicant gave notice to the old company, which appears to be a presently subsisting legal entity, of its desire to amend the collective agreement, all its representations on the present application are in support of a claim that the new company had become bound by the terms of the agreement referred to above.

In so far as the application may be said to relate to the new company, the new company disputes that it became bound by the terms of the agreement on which the applicant bases its request and, in addition, it would appear that notice of desire to amend that agreement has not been given by the applicant to the new company.

In these circumstances, the Board is not prepared to amend the name of the respondent in the application before it.

In all the circumstances of this application, and particularly since the applicant has not sought to negotiate with the old company, the application is dismissed."

E R R A T U M

The disposition of application number 120-60-R was incorrectly reported in the December 1960 Monthly Report of the Ontario Labour Relations Board pps. 324-5.

The entry should have read as follows:-

120-60-R: Ready Mix, Building Supply, Hydro and Construction Drivers, Warehousemen and Helpers, Local Union No. 230, of the International Brotherhood of Teamsters, (Applicant) v. Ottawa Pre-Mixed Concrete Limited (Ottawa) (Respondent) v. Canadian Construction Workers' Union, Division No. 1(N.C.C.L.) (Intervener).

Unit: "all employees of the respondent at Ottawa, save and except foremen, persons above the rank of foreman, office and sales staff and quality and customer control employees." (68 employees in the unit).

Number on revised voters' list		68
Number of ballots cast		68
Number of spoiled ballots	1	
Number of ballots marked in favour of applicant	58	
Number of ballots marked in favour of intervener	9	

MONTHLY REPORT

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February 1951

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ONTARIO LABOUR RELATIONS BOARD

MONTHLY REPORT OF THE ONTARIO LABOUR RELATIONS BOARD

FOR THE MONTH OF FEBRUARY, 1961

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PART ONE
STATISTICAL TABLES

TABLE I

APPLICATIONS FILED WITH THE ONTARIO LABOUR RELATIONS BOARD

Type of Application	Number of Applications Filed		
	February '61	1st 11 months of '60-61	fiscal year '59-60
I. Certification	58	658	699
II. Declaration Terminating Bargaining Rights	10	55	77
III. Declaration of Successor Status	-	5	7
IV. Conciliation Services	84	960	1085
V. Determination under Section 79 of Act	-	8	6
VI. Consent to Early Termination of Agreement	1	1	-
VII. Declaration that Strike Unlawful	2	23	23
VIII. Declaration that Lockout Unlawful	-	2	2
IX. Consent to Prosecute	4	86	82
X. Miscellaneous	-	2	1
XI. Complaint of Unfair Practice in Employ- ment (Section 65)	<u>15</u>	<u>51</u>	<u>-</u>
TOTAL:	<u>174</u>	<u>1851</u>	<u>1982</u>

TABLE II
HEARINGS OF THE ONTARIO LABOUR RELATIONS BOARD

	Number		
	February '61	1st 11 months of '60-61	fiscal year '59-60
Hearings and continuation of Hearings by the Board	64	782	1016

TABLE III

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY MAJOR TYPES

Type of Applications	Number of Applications Disposed of		
	February '61	1st 11 months 60-61	of fiscal year 59-60
I. Certification	52	693	683
II. Declaration Terminating Bargaining Rights	7	55	74
III. Declaration of Successor Status*	-	9	7
IV. Conciliation Services	78	943	1121
V. Determination under Section 79 of Act	-	8	7
VI. Consent to Early Termination	-	1	-
VII. Declaration that Strike Unlawful	1	27	26
VIII. Declaration that Lock-out Unlawful	-	1	4
IX. Consent to Prosecure	6	89	88
X. Miscellaneous	1	2	1
IX. Complaint of Unfair Practice in Employment (Section 65)	<u>9</u>	<u>22</u>	<u>-</u>
TOTAL:	<u>154</u>	<u>1850</u>	<u>2011</u>

*This does not include cases in which the question of successor status arises as a collateral issue.

TABLE IV

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY TYPES AND BY DISPOSITION

Disposition	No. Applications Disposed of			Employees*		
	Feb. '61	1st 11 mos. 60-61	fiscal yr. 59-60	Feb. '61	1st 11 mos. 60-61	fiscal yr. 59-60
<u>I. Certification</u>						
<u>Certified</u>						
CLC	23	370	386	585	10353	8907
Other	<u>13</u>	<u>114</u>	<u>66</u>	<u>158</u>	<u>2772</u>	<u>1262</u>
Total	36	484	452	743	13125	10169
<u>Dismissed</u>						
CLC	7	103	125	277	4097	7159
Other	<u>-5</u>	<u>42</u>	<u>35</u>	<u>325</u>	<u>1472</u>	<u>1493</u>
Total	12	145	160	602	5469	8652
<u>Withdrawn</u>						
CLC	2	51	54	27	960	892
Other	<u>2</u>	<u>13</u>	<u>17</u>	<u>33</u>	<u>174</u>	<u>308</u>
Total	4	64	71	60	1134	1200
TOTAL:	<u>52</u>	<u>693</u>	<u>683</u>	<u>1405</u>	<u>19828</u>	<u>20021</u>
Certification Applications Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications were filed with the Board. Totals for applications dismissed and withdrawn are approximate.

- 390 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	Feb. '61	1st 11 mos. 61-60	fiscal yr. 59-60	Feb. '61	1st 11 mos. 61-60	fiscal yr. 59-60
<hr/>						
II. <u>Termination</u>						
<u>Bargaining</u>						
<u>Rights</u>						
<u>Terminated</u>						
CLC	4	24	28	79	525	803
Other	<u>1</u>	<u>6</u>	<u>4</u>	<u>157</u>	<u>284</u>	<u>39</u>
Total	5	30	32	236	809	842
<u>Dismissed</u>						
CLC	2	14	34	99	522	753
Other	<u>-</u>	<u>3</u>	<u>3</u>	<u>-</u>	<u>53</u>	<u>18</u>
Total	2	17	37	99	575	771
<u>Withdrawn</u>						
CLC	-	7	3	-	462	289
Other	<u>-</u>	<u>1</u>	<u>2</u>	<u>-</u>	<u>13</u>	<u>141</u>
Total	-	8	5	-	475	430
TOTAL:	<u>7</u>	<u>55</u>	<u>74</u>	<u>335</u>	<u>1859</u>	<u>2043</u>
Termination Applications Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications were filed with the Board. Totals for termination applications dismissed and withdrawn are approximate.

- 391 APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	Number of Appl'ns Disposed of		
	February '61	1st 11 months of fiscal year 60-61	1st 11 months of fiscal year 59-60
<hr/>			
III. <u>Successor Status</u>			
Granted	-	7	7
Dismissed	-	1	-
Withdrawn	<u>-</u>	<u>1</u>	<u>-</u>
Total	<u>-</u>	<u>9</u>	<u>7</u>
IV. <u>Conciliation Services*</u>			
<u>Referred</u>			
CLC	62	689	865
Other	<u>11</u>	<u>198</u>	<u>161</u>
Total:	73	887	1026
<u>Dismissed</u>			
CLC	-	13	34
Other	<u>-</u>	<u>4</u>	<u>3</u>
Total:	-	17	37
<u>Withdrawn</u>			
CLC	4	23	54
Other	<u>1</u>	<u>16</u>	<u>4</u>
Total:	5	39	58
TOTAL:	<u>78</u>	<u>943</u>	<u>1121</u>
Conciliation Applications Disposed of			

*Includes applications for conciliation services re unions claiming successor status.

- 392 - APPLICATIONS DISPOSED OF BY BOARD
(continued)

Disposition	Number of Appl'ns Disposed of		
	February '61	1st 11 months of fiscal year 60-61	59-60

V. Determination under Section 79

Granted	-	1	2
Dismissed	-	3	1
Withdrawn	<u>-</u>	<u>4</u>	<u>4</u>
Total:	-	8	7

VI. Consent to Early Termination of Agreement

Granted	-	1	-
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total:	<u>-</u>	<u>1</u>	<u>-</u>

VII. Declaration that Strike Unlawful

Granted	-	4	3
Dismissed	-	1	2
Withdrawn	<u>1</u>	<u>22</u>	<u>21</u>
Total:	1	27	26

- 393 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

VIII. Declaration that
Lockout Unlawful

Granted	-	1	1
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>3</u>
Total:	<u>-</u>	<u>1</u>	<u>4</u>

IX. Consent to
Prosecute

Granted	-	21	28
Dismissed	3	6	10
Withdrawn	<u>3</u>	<u>62</u>	<u>50</u>
Total:	<u>6</u>	<u>89</u>	<u>88</u>

X. Miscellaneous*

Granted	-	1	-
Dismissed	1	1	1
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total:	<u>1</u>	<u>2</u>	<u>1</u>

*See Case Listings for details.

REPRESENTATION VOTES IN CERTIFICATION APPLICATIONS DISPOSED OF
BY THE BOARD

Disposition	Number of Votes		
	February '61	1st 11 months of 60-61	fiscal year 59-60
(1)			
<u>Certification After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	6	35	20
Choice between 2 Unions	6	43	31
Other	-	1	-
<u>Total Certified</u>	12	79	51
<u>Dismissed After Vote</u>			
<u>Ballot Choice</u>			
Yes-No	4	53	57
Choice between 2 Unions	4	16	17
<u>Total Dismissed</u>	8	69	74
GRAND TOTAL:	<u>20</u>	<u>148</u>	<u>125</u>
Certification Appl'ns Disposed of after vote			

(1) See Explanatory Notes, April 1960 Report, Page 3

TABLE VI

REPRESENTATION VOTES IN TERMINATION APPLICATIONS DISPOSED OF
BY THE BOARD

Disposition	Number of Votes		
	February '61	1st 11 months of fiscal year 60-61	59-60
<u>Respondent Union Successful*</u>			
CLC	-	2	4
Other	-	3	-
Total	-	5	4
<u>Respondent Union Unsuccessful</u>			
CLC	1	9	19
Other	1	4	4
Total	2	13	23
GRAND TOTAL:	<u>2</u>	<u>18</u>	<u>27</u>
Termination Appl'ns Disposed of after vote			

*In termination proceedings where a vote is taken, the applicant is a group of employees, or the employer; the incumbent union is thus the respondent.

PART TWO

CASE LISTINGS

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS

BOARD DURING FEBRUARY 1961

Bargaining Agents Certified During February
No Vote Conducted

227-60-R: General Truck Drivers' Union, Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Edwards Transport Limited (Ottawa) (Respondent).

Unit: "all employees of the respondent employed at and working out of Ottawa, save and except foremen, persons above the rank of foreman, office and sales staff."
(4 employees in the unit)

The Board endorsed the Record in part as follows:

"In view of the generally unsatisfactory nature of the evidence surrounding the origin, preparation and circulation of the document submitted to the Board as indicative of opposition by employees of the respondent to the application, we are not prepared to hold that that document weakens the evidence of membership submitted by the applicant, so as to make it necessary for the Board to seek the confirmatory evidence of a representation vote in this case."

269-60-R: Local Union 911 of the International Brotherhood of Electrical Workers, A.F.L.-C.I.O. (Applicant) v. The Riverside-Tecumseh Joint Water Works Board (at its automatic water treatment plant at Riverside). (Respondent).

Unit: "all employees of the respondent employed at its automatic water treatment plant at Riverside, save and except foremen, persons above the rank of foreman and office staff." (5 employees in the unit)

The Board endorsed the Record in part as follows:

"The Board further finds that Duncan Jubenville does not exercise managerial functions within the meaning of section 1(3) (b) of The Labour Relations Act and is therefore included in the bargaining unit."

295-60-R: International Brotherhood of Pulp, Sulphite and Paper Mill Workers and it's Local #39 (Applicant) v. Lakehead Newsprint Limited (Fort William) (Respondent).

Unit: "all employees of the respondent at Fort William, save and except foremen, persons above the rank of foreman, office and sales staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (11 employees in the unit)

The Board endorsed the Record in part as follows:

"Where the evidence reveals, as in the present case, that there has been contact with management in connection with the origination or preparation of an employees' petition, the Board's practice is to exercise an extra degree of scrutiny in its appraisal of the evidence and to require a satisfactory explanation of the incident. It does this so that it may be reasonably assured that management has not participated in the origination, preparation or circulation of the document. (See Sinnott News Co. Ltd. CCH Canadian Labour Law Reporter, 1955-59 Transfer Binder, 16,114 at p. 12,209.)

The evidence tendered by Foreman as to the circumstances of, and the reason for his contact with management, and our observations of his demeanour in the witness box, convinces us that his testimony on these matters not only falls short of a candid and satisfactory explanation but constitutes a highly improbable account of the true facts. These are extremely important points and the unreliability of his evidence on these matters reflects on the whole of his testimony. The only evidence before the Board relating to the origination, preparation and circulation of the documents is therefore, unreliable. Even if we were to find that his evidence could be accepted with respect to the origination and preparation of the second document, it is our view that, as this document was a sequel to and flowed from the first document, the evidence relating to its origination cannot be divorced from that adduced in respect to the first document. (See Preston & Sons Limited CCH Canadian Labour Law Reporter, 1955-59 Transfer Binder 16,089.) In the result, therefore, we find that as the documentary evidence filed as indicating opposition to the certification of the applicant, is unsupported

by reliable evidence as to its origination, preparation and circulation, it cannot cast such doubt on the evidence of membership filed by the applicant union as to require the Board to seek the confirmatory evidence of a representation vote."

Board Member H.F. Irwin dissented and said:

"I dissent. I would have directed a representation vote."

303-60-R: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local 419, Warehousemen and Miscellaneous Drivers (Applicant) v. Maple Leaf Services (Township of North York) (Respondent).

Unit: "all employees of the respondent in the Township of North York, save and except foremen, persons above the rank of foreman and office staff." (6 employees in the unit)

Board Member D.B. Archer dissented in part and said:

"I would have described the bargaining unit as being located in Metropolitan Toronto rather than in the Township of North York."

405-60-R: Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union No. 880, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Thames Valley Ambulance Limited (London Depot) (Respondent).

Unit: "all employees of the respondent at its London Depot, save and except foremen, persons above the rank of foreman and office staff." (10 employees in the unit)

422-60-R: The International Union, United Automobile, Aircraft and Agricultural Implement Workers of America, affiliated to American Federation of Labour and Congress of Industrial Organization (Applicant) v. Central Chevrolet Oldsmobile (London) Limited (London) (Respondent).

Unit: "all employees of the respondent at London, save and except foremen, persons above the rank of foreman, office staff, car salesmen, outside parts salesmen, control tower operator, appraisers and service salesmen." (60 employees in the unit)

432-60-R: Amalgamated Lithographers of America, Local 12 (Applicant) v. Gaylord Lithographing Company Limited (Toronto) (Respondent).

Unit: "all lithographic employees of the respondent at Toronto in its press and preparatory departments, save and except non-working foremen, and persons above the rank of non-working foremen." (7 employees in the unit)

459-60-R: Retail, Wholesale and Department Store Union, AFL-CIO:CLC (Applicant) v. Farley Produce Ltd. (London) (Respondent).

Unit: "all employees of the respondent at London, save and except foremen, persons above the rank of foreman, office staff and persons regularly employed for not more than 24 hours per week." (15 employees in the unit)

The Board endorsed the Record in part as follows:

"For the purposes of clarity the Board declares that the transport drivers are included in the bargaining unit."

476-60-R: Draftsmen's Association of Ontario, Local 164, American Federation of Technical Engineers (Applicant) v. Sheldons Engineering Limited (Galt) (Respondent).

Unit: "all draftsmen and their apprentices in the employ of the respondent at Galt, save and except the chief draftsman and persons above the rank of chief draftsman." (16 employees in the unit)

The Board endorsed the Record in part as follows:

"For the purposes of clarity the Board declares that the tracers and detailers are included in the bargaining unit."

478-60-R: United Rubber, Cork, Linoleum & Plastic Workers of America, AFL-CIO-CLC (Applicant) v. Building Products Limited (at its Micro Plastics Division at Acton) (Respondent).

Unit: "all employees of the respondent at its Micro Plastics Division at Acton, save and except foremen, persons above the rank of foreman, and office staff." (54 employees in the unit)

482-60-R: General Workers' Local 800 International Union of United Brewery, Flour, Cereal, Soft Drink and Distillery Workers of America, A.F.L.-C.I.O.-C.L.C. (Applicant) v. Canada Bread Company, Limited (at its depot in Sandwich West Township) (Respondent).

Unit: "all employees of the respondent at its depot in Sandwich West Township, save and except supervisors, persons above the rank of supervisor, and office staff." (4 employees in the unit).

485-60-R: United Brotherhood of Carpenters & Joiners of America (Applicant) v. Heffernan Tiles Limited (Ottawa) (Respondent).

Unit: "all employees of the respondent at and working out of Ottawa in the installing of resilient flooring, save and except foremen, persons above the rank of foreman and office staff." (4 employees in the unit)

486-50-R: Retail Clerks Union, Local No. 832, chartered by the Retail Clerks International Association (Applicant) v. Lakeville Enterprises Ltd. (Kenora) (Respondent).

Unit: "all employees of the respondent in its retail store at Kenora, save and except store manager, persons above the rank of store manager, meat department manager, office staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (3 employees in the unit)

The Board noted the agreement of the parties that the meat department manager is not included in the bargaining unit.

491-60-R: International Union, United Automobile Aircraft and Agricultural Implement Workers of America (UAW) (Applicant) v. The White Motor Company of Canada, Limited (parts department, Hamilton Branch) (Respondent).

Unit: "all employees of the respondent in its parts department at its Hamilton Branch, save and except foremen, persons above the rank of foreman and office staff." (5 employees in the unit)

497-60-R: The Canadian Union of Operating Engineers (Applicant) v. Tusca Investments Limited (Prudential Building, 2 King Street West, Toronto) (Respondent).

Unit: "all stationary engineers in the employ of the respondent at the Prudential Building, 2 King Street West, Toronto, save and except the chief engineer." (4 employees in the unit)

507-60-R: United Plant Guard Workers of America Amalgamated Plant Guards, Local 1958 (Applicant) v. H.J. Heinz Company of Canada Ltd. (Leamington) (Respondent).

Unit: "all security guards in the employ of the respondent at Leamington, save and except department head - plant protection and persons above the rank of department head - plant protection." (18 employees in the unit)

521-60-R: Local 89, International Brotherhood of Pulp, Sulphite and Paper Mill Workers - C. L. C., and A. F. L. (Applicant) v. Byng Laundry and Dry Cleaners (Kapuskasing) (Respondent).

Unit: "all employees of the respondent at Kapuskasing, save and except owner-managers, driver-salesmen and office staff." (16 employees in the unit)

526-60-R: The United Brotherhood of Carpenters and Joiners of America, Local Union 1669 (Applicant) v. John Inglis Co. Limited (at its Thunder Bay project for the Ontario Hydro Electric Power Commission located at Island #2, Fort William) (Respondent).

Unit: "all millwrights and millwright apprentices employed by the respondent at its Thunder Bay project for the Ontario Hydro Electric Power Commission located at Island #2, Fort William, save and except non-working foremen and persons above the rank of non-working foreman, and persons bound by the collective agreement between the respondent and the United Steel Workers of America, effective from the 17th day of July, 1959." (2 employees in the unit)

527-60-R: Glass Bottle Blowers Association of the United States and Canada. A.F.L. - C.I.O. (Applicant) v. Owens - Illinois of Canada Limited (Toronto plant) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except persons above the rank of shift working foremen, office staff and students employed for the summer school vacation period." (12 employees in the unit)

528-60-R: International Woodworkers of America (Applicant) v. The McLagan Furniture Company Limited (Meaford plant) (Respondent).

Unit: "all employees of the respondent at Meaford, save and except foremen, persons above the rank of foreman, chief engineer and office staff." (42 employees in the unit)

563-60-R: International Hod Carriers' Building and Common Labourers Union of America, Local 1081 (Applicant) v. Ball Brothers Limited, General Contractors (at its Listowel General Hospital project at Listowel) (Respondent)

Unit: "all construction labourers of the respondent employed at its Listowel General Hospital project at Listowel, save and except non-working foremen and persons above the rank of non-working foreman." (8 employees in the unit)

572-60-R: Retail, Wholesale and Department Store Union, AFL: CIO:CLC (Applicant) v. Ault Milk Products Ltd. (Brockville) (Respondent).

Unit: "all employees of the respondent at Brockville, save and except foremen, persons above the rank of foreman, office staff, fieldman, laboratory technicians, chief engineer, assistant chief engineer, and students hired for the school vacation period." (33 employees in the unit)

595-60-R: Teamsters, Chauffeurs, Warehousemen and Helpers, Local Union 880, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Cotterill Construction (London) (Respondent).

Unit: "all employees of the respondent at London, save and except foremen, persons above the rank of foreman and office staff." (4 employees in the unit)

672-60-R: The National Union of Public Employees, C.L.C. (Applicant) v. The Municipality of The Town of Brampton (Town of Brampton, County of Peel) (Respondent) v. Local Union 636 of the International Brotherhood of Electrical Workers (Intervener).

Unit: "all employees of the respondent, save and except Foremen, persons above the rank of foreman, office staff, persons regularly employed for not more than 24 hours per week, subdivision inspectors and students hired for the school vacation period." (22 employees in the unit)

19,318-59: International Union, United Automobile Aircraft and Agricultural Implement Workers of America (UAW) (Applicant) v. Duplate Canada Limited (Oshawa) (Respondent).

Unit: "all clerical employees in the employ of the respondent at Oshawa, save and except foremen, supervisors, persons above the ranks of foreman and supervisor, the main or general office staff, and persons bound by a subsisting collective agreement." (12 employees in the unit)

Certified Subsequent to Pre-Hearing Vote

84-50-R: International Union of Operating Engineers, Local 700 (Applicant) v. South Waterloo Memorial Hospital Incorporated (Galt) (Respondent).

Unit: "all stationary engineers employed in the boiler room of the respondent at Galt, save and except the chief engineer." (4 employees in the unit).

Number of names on revised eligibility list		6
Number of ballots cast		6
Number of segregated ballots (not counted)	1	
Number of ballots marked in favour of applicant	4	
Number of ballots marked in favour of Building Service Employees International Union, Local 204	1	

317-60-R: The Canadian Union of Operating Engineers (Applicant) v. Artex Woollens Ltd. (Hespeler) (Respondent).

Unit: "all stationary engineers in the employ of the respondent in its boiler house at Hespeler, save and except the chief engineer." (3 employees in the unit)

Number of names on revised eligibility list		2
Number of ballots cast		2
Number of ballots marked in favour of applicant	2	
Number of ballots marked in favour of The National Union of Operating Engineers of Canada, Local 14922, District 50, United Mine Workers of America	0	

309-60-R: The Canadian Union of Operating Engineers (Applicant) v. Silverwood Dairies Limited (Windsor) (Respondent) v. Local 944, International Union of Operating Engineers (Intervener).

Unit: "all stationary engineers, firemen and their helpers employed as such by the respondent at its plant located in the city of Windsor, save and except the chief engineer." (4 employees in the unit).

Number on revised eligibility list		4
Number of ballots cast		4
Number of ballots marked in favour of applicant	3	
Number of ballots marked in favour of intervener	1	

333-60-R: Amalgamated Association of Street Electric Railway and Motor Coach Employees of America (Applicant) v. Sandwich West Bus Lines Ltd. (Township of Sandwich West and City of Windsor) (Respondent).

Unit: "all bus operators of the respondent at the Township of Sandwich West and the City of Windsor, save and except foremen, persons above the rank of foreman and office staff."
(6 employees in the unit).

Number of names on eligibility list		6
Number of ballots cast	6	
Number of ballots marked in favour of applicant	5	
Number of ballots marked as opposed to applicant	1	

344-60-R: International Union, United Automobile Aircraft and Agricultural Implement Workers of America (UAW) (Applicant) v. Bowman Products (Canada) Ltd. (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except assistant foreman, persons above the rank of assistant foreman, and office and sales staff."
(20 employees in the unit).

Number of names on revised eligibility list		17
Number of ballots cast	17	
Number of ballots marked in favour of applicant	13	
Number of ballots marked as opposed to applicant	4	

392-60-R: International Union of Operating Engineers, Local 796 (Applicant) v. Ralston-Purina Co. of Canada Ltd. (Clarkson) (Respondent).

Unit: "all stationary engineers in the employ of the respondent at Clarkson, save and except the chief engineer and persons above the rank of chief engineer."
(3 employees in the unit).

Number of names on revised eligibility list		2
Number of ballots cast	2	
Number of ballots marked in favour of applicant	2	
Number of ballots marked as opposed to applicant	0	

Certified Subsequent to Post-Hearing Vote

50-60-R: United Cement, Lime & Gypsum Workers International Union, AFL - CIO - CLC (Applicant) v. Wilson Concrete Products Limited (Belleville) (Respondent).

Unit: "all employees of the respondent at its plant at Belleville, save and except foremen, persons above the rank of foreman, and office staff." (109 employees in the unit).

The Board endorsed the Record in part as follows:

"After carefully considering the evidence and the representations of the parties in connection with the objections of the respondent to the representation vote held on December 5th, 1960, we are of the opinion that this is not a case in which a further representation vote should be directed."

Board Member, C.C. Young dissented and said:

"I dissent. I would have directed another representative vote."

Number of names on revised eligibility list		104
Number of ballots cast	91	
Number of ballots segregated (not counted)	2	
Number of ballots marked in favour of applicant	55	
Number of ballots marked as opposed to applicant	34	

122-60-R: International Woodworkers of America (Applicant) v. E. L. Bruce Company Limited (Metropolitan Toronto) (Respondent) v. District 50, United Mine Workers of America, Construction Local Union 14853, (formerly United Construction Workers, Local No. 728, U.M.W.A.) (Intervener).

Unit: "all employees of the respondent in Metropolitan Toronto, save and except foremen, persons above the rank of foreman, and office staff." (12 employees in the unit)

Number on revised voters' list		12
Number of ballots cast	12	
Number of ballots marked in favour of applicant	10	
Number of ballots marked in favour of intervener.	2	

123-60-R: International Woodworkers of America (Applicant) v. R. Laidlaw Lumber Company Limited (Metropolitan Toronto) (Respondent) v. District 50, United Mine Workers of America, Construction Local Union 14853, (formerly United Construction Workers, Local No. 728, U.M.W.A.) (Intervener).

Unit: "all employees of the respondent in Metropolitan Toronto, save and except foremen, persons above the rank of foreman, security guards, and office and sales staff." (139 employees in the unit).

Number of names on revised eligibility list		129
Number of ballots cast	125	
Number of spoiled ballots	1	
Number of segregated ballots	5	
Number of ballots marked in favour of applicant	110	
Number of ballots marked in favour of intervener	9	

339-60-R: Retail, Wholesale and Department Store Union, AFL: CIO:CLC (Applicant) v. Dominion Stores Limited (retail stores, Oakville) (Respondent).

Unit: "all employees of the respondent at its retail stores at Oakville, save and except store managers, persons above the rank of store manager, office staff, persons regularly employed for not more than 24 hours per week, and students hired for the school vacation period." (51 employees in the unit)

Number on revised voters' list		27
Number of ballots cast	27	
Number of ballots marked in favour of applicant	27	
Number of ballots marked as opposed to applicant	0	

20,550-60: Air Terminal Ground Transport Employees Association (Applicant) v. Air Terminal Transport Ltd. (Toronto and Malton Airport) (Respondent) v. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union 352. (Intervener).

Unit: "all employees of the respondent at Toronto and at Malton Airport, save and except foremen, persons above the rank of foreman, office staff, persons regularly employed for not more than 24 hours per week and limousine and bus drivers engaged in airport transportation." (35 employees in the unit)

Number of names on revised eligibility list		34
Number of ballots cast	34	
Number of ballots segregated (not counted)	2	
Number of ballots marked in favour of the applicant	19	
Number of ballots marked in favour of the intervener	13	

20,693-60: The Canadian Union of Operating Engineers
(Applicant) v. Ryan Builders Supplies Windsor Ltd. (Windsor)
(Respondent) v. International Union of Operating Engineers,
Local 944 (Intervener).

Unit: "all steam engineers, firemen, apprentices and helpers
in the employ of the respondent at Windsor."
(2 employees in the unit)

Number of names on revised eligibility list		2
Number of ballots cast		2
Number of ballots marked in favour of applicant	2	
Number of ballots marked in favour of intervener	0	

Applications for Certification Dismissed No Vote Conducted

313-60-R: The Sudbury and District General Workers' Union,
Local 902 of the International Union of Mine Mill and Smelter
Workers (Applicant) v. Regent Theatre (Sudbury) (Respondent)
v. Local 634 of the International Alliance of Theatrical Stage
Employees, & M. P. M. O. of U. S. & Canada (Intervener).
(14 employees).

The Board endorsed the Record in part as follows:

"Having regard to the evidence before it
and the representations of the parties the Board
finds that the Intervener has not relinquished its
bargaining rights for the employees described by
the Board in its certificate dated January 10, 1957.

As a collective agreement has not been
made between the intervener and the respondent
since the date of the certification of the
intervener, an application for certification of
these employees cannot be made under the
provisions of section 5 of The Labour Relations
Act.

In any bargaining unit which the Board
might deem to be appropriate in this case the
respondent would have as members less than forty-
five per cent of the employees who were regularly
employed for not more than 24 hours per week.

The application is accordingly dismissed."

481-60-R: Amalgamated Lithographers of America, Local 12
612 Sherbourne Street, Room 202, Toronto 5, Ontario (Applicant)
v. Collett-Sproule Boxes Limited, 1997 Kennedy Road, Scarboro,
Ontario (Respondent) v. Collett Sproule Employees Association
(Intervener) v. Printing Specialties & Paper Products Union
Lo. 466 (Intervener). (12 employees).

The Board endorsed the Record as follows:

"Having regard to the request of the
applicant that it be permitted to withdraw
this application, the Board, following its
usual practice, dismisses the application."

522-60-R: District 50, United Mine Workers of America
(Applicant) v. Canadian Industries Limited (Explosive Division,
Nobel Works). (Respondent) v. International Union of Operating
Engineers Local 796 (Intervener) v. Oil, Chemical and Atomic
Workers International Union and its Local 16-684 (Intervener).
(217 employees).

The Board endorsed the Record as follows:

"The applicant having made an application
for certification on December 5, 1960, which was
dismissed by the Board on December 22, 1960, and
the Board on January 25, 1961 having denied the
applicant's request to review its decision of
December 22, 1960, and the applicant having now
made a new application for certification on
January 25, 1961, the Board is of the opinion,
on the basis of the evidence presented at the
hearing, that the principle established in Trinidad
Leaseholds Case (1949) C.C.H. Canadian Labour Law
Reports, Transfer Binder ¶17,005, D.L.S. 7-2107 and
Windsor Lumber Co. Case (1958) C.C.H. Canadian
Labour Law Reports, Transfer Binder ¶16,104, applies.

The application is accordingly dismissed."

571-60-R: Retail, Wholesale and Department Store Union, AFL:
CIO:CLC (Applicant) v. Pet Milk Co. (Canada) Ltd. (Brockville)
(Respondent). (4 employees).

Applications for Certification Dismissed Subsequent to
Pre-Hearing Vote

310-60-R: Local 944, International Union of Operating Engineers (Applicant) v. William Pitt Hotel Ltd. (William Pitt Hotel, Chatham) (Respondent) v. Restaurant Employees Union Local 743 (Intervener).

Voting Constituency: "all stationary engineers, and persons primarily engaged as helpers in the boiler room of the respondent at the William Pitt Hotel, Chatham, save and except the chief engineer." (4 employees in the unit)

Number of names on eligibility list		4
Number of ballots cast		4
Number of ballots marked in favour of applicant	2	
Number of ballots marked in favour of intervener	2	

394-60-R: District 50, United Mine Workers of America (Applicant) v. Flexonics Corporation of Canada Limited (Brampton) (Respondent) v. Sheet Metal Workers' International Association, Local Union 304 (Intervener).

Voting Constituency: "all employees of the respondent at Brampton, Ontario, save and except foremen, persons above the rank of foreman, and office staff." (86 employees in the unit)

Number of names on revised eligibility list		82
Number of ballots cast		80
Number of spoiled ballots	5	
Number of ballots marked in favour of applicant	20	
Number of ballots marked in favour of intervener	55	

Applications for Certification Dismissed subsequent to
Post-Hearing Vote

152-60-R: International Union of Operating Engineers Local 796 (Applicant) v. Tusca Investments Limited (Prudential Building, 2 King Street West, Toronto) (Respondent) v. Canadian Union of Operating Engineers (Intervener).

Unit: "all stationary engineers in the employ of the respondent at the Prudential Building, 2 King Street West at Toronto, save and except the chief engineer."
(4 employees in the unit)

The Board endorsed the record in part as follows:

"The application for certification
by intervener is dismissed."

Number of names on eligibility list		4
Number of ballots cast		4

Number of ballots marked in favour of applicant	1
Number of ballots marked as opposed to applicant	3

263-60-R: National Union of Public Employees (Applicant) v.
City Parking Limited (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent employed on its parking
lots, parking garages and service stations, in Metropolitan
Toronto, save and except persons above the rank of supervisor-
checker, persons regularly employed for not more than 24 hours
per week, and office staff." (139 employees in the unit)

Number on revised voters' list	139
Number of ballots cast	139
Number of ballots marked in favour of applicant	62
Number of ballots marked against applicant	77

19,767-60: United Rubber, Cork, Linoleum and Plastic Workers
of America AFL-CIO-CLC (Applicant) v. Imco Container (Canada)
Limited (Township of Toronto) (Respondent).

Unit: "all employees of the respondent in the Township of
Toronto, save and except foremen, foreladies, persons above
the rank of foreman or forelady, and office and sales staff."
(55 employees in the unit)

Board Chairman J. Finkelman said:

"I find that all employees of the respondent
in the Township of Toronto, save and except foremen,
foreladies, persons above the rank of foreman or
forelady, and office and sales staff constitute a
unit of employees of the respondent appropriate for
collective bargaining.

I further find, on the basis of all the evi-
dence before the Board, that more than forty-five per
cent of the employees in the bargaining unit are
members of the applicant."

Board Member H.F. Irwin dissented and said:

"I dissent. I would have dismissed the
application."

Number of names on eligibility list	53
Number of ballots cast	53
Number of ballots marked in favour of applicant	16
Number of ballots marked as opposed to applicant	37

20,460-60: National Association of Broadcast Employees and Technicians, A.F.L., C.I.O., C.L.C. (Applicant) v. Pathe-Deluxe of Canada Limited (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except general manager, laboratory manager, laboratory superintendent, accountant, assistant accountant, confidential secretary to the general manager, printing room supervisor, dailies supervisor, features and news supervisor, T.V. commercials supervisor, processing supervisor, sales staff, persons employed in production services which include the sound supervisor, sound technician, editor and newsreel cameraman." (30 employees in the unit)

Number of names on revised eligibility list		35
Number of ballots cast	35	
Number of ballots marked in favour of applicant	2	
Number of ballots marked as opposed to applicant	33	

20,501-60: Amalgamated Association of Street Electric Railway and Motor Coach Employees of America (Applicant) v. Burley Bus Lines Limited (County of Northumberland and Durham) (Respondent).

Unit: "all employees of the respondent employed at and working out of the County of Northumberland and Durham, save and except foremen, persons above the rank of foreman, office staff and persons regularly employed for not more than 24 hours per week." (20 employees in the unit)

Number of names on eligibility list		20
Number of ballots cast	20	
Number of ballots segregated (not counted)	1	
Number of ballots marked in favour of applicant	7	
Number of ballots marked as opposed to applicant	12	

20,580-60: International Association of Machinists (AFL-CIO-CLC) (Applicant) v. Highfield Motor Products Limited (Sarnia) (Respondent).

Unit: "all employees of the respondent at Sarnia, save and except foremen, persons above the rank of foreman, office and sales staff, and students hired for the school vacation period." (17 employees in the unit).

Number of names on revised eligibility list		10
Number of ballots cast	10	
Number of ballots marked in favour of applicant	5	
Number of ballots marked as opposed to applicant	5	

APPLICATIONS FOR CERTIFICATION WITHDRAWN DURING FEBRUARY 1961

558-60-R: United Brotherhood of Carpenters and Joiners of America, Local Union 2480 (Applicant) v. Canadian Store Fixtures Limited (Barrie) (Respondent). (2 employees).

603-60-R: Shopmen's Local Union No 757 of the International Association of Bridge Structural & Ornamental Iron Workers (Applicant) v. Bomac Company Limited (Cooksville) (Respondent). (25 employees).

655-60-R: International Union of Operating Engineers, Local 793 (Applicant) v. The Carter Construction Company Limited (District of Thunder Bay) (Respondent) v. Lumber & Sawmill Workers' Union, Local 2693 (Intervener). (1 employee).

19843-60: General Truck Drivers, Local 879, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, C.L.C. (Applicant) v. Jos. Harrison Motorways Limited (Welland and Hamilton) (Respondent). (32 employees).

APPLICATIONS FOR TERMINATION OF BARGAINING RIGHTS DISPOSED OF

DURING FEBRUARY 1961

245-60-R: Claude White and Arnold Delorme (Applicant) v. Retail, Wholesale and Department Store Union, AFL:CIO:CLC (Respondent). (Granted). (35 employees).

(Re: John Heney & Son Limited,
Ottawa, Ontario)

Number of names on revised eligibility list		33
Number of ballots cast	33	
Number of ballots marked in favour of respondent	3	
Number of ballots marked as opposed to respondent	30	

402-60-R: Melvin C. Blinkie (Applicant) v. Retail, Wholesale & Department Store Union AFL: CIO: CLC: Local 440 (Respondent) v. United Dairy & Poultry Co-Operative Ltd. (Renfrew) (Intervener). (Granted). (11 employees).

529-60-R: Birchland Veneer Ltd. (Thessalon) (Applicant) v. International Woodworkers of America (Respondent). (Granted). (25 employees).

(Re: Birchland Veneer Ltd.,
Thessalon, Ontario)

537-60-R: Jack McCocoye (Applicant) v. International Woodworkers of America (Respondent). (Dismissed). (39 employees).

(Re: Ottawa Paper Box Company Limited,
Ottawa, Ontario)

The Board endorsed the Record as follows:

1. This is an application for a declaration terminating the bargaining rights of the respondent union.

2. According to the records of the Board, there is a collective agreement between the respondent union and Ottawa Paper Box Company Limited covering the employees in the bargaining unit affected by the instant application. The agreement provides that it "shall be effective from the 1st day of January 1959 to the 31st day of December 1960", and thereafter from year to year subject to notice. Again, according to the records of the Board, on an application for conciliation services filed with the Board on December 8, 1960, the respondent in the present proceedings stated that written notice of desire to bargain was given by the present respondent to Ottawa Paper Box Company Limited on November 7, 1960. The company's reply filed on December 16, 1960 confirms that notice was given by the union on the date mentioned. The request of International Woodworkers of America that conciliation services be made available to the parties was granted by the Board on December 21, 1960.

3. Having regard to the provisions of sections 43 and 46 of The Labour Relations Act, the present application for a declaration terminating the bargaining rights of the respondent union, which was made on January 30, 1961, is untimely and it is accordingly dismissed.

4. Even if the application were to be treated as having been made on January 11, 1961, but without conceding that it was in fact made on that date, it would still have had to be dismissed as being untimely under the provisions referred to above."

556-60-R: Island Lake Lumber Co. Limited (District of Sudbury) (Applicant) v. Lumber & Sawmill Worker's Union Local No. 2537 (Respondent). (Dismissed).

(Re: Island Lake Lumber Co. Limited,
District of Sudbury)

The Board endorsed the Record as follows:

"1. Having regard to the representations of the applicant at the hearing and to the evidence filed with the Board, the Board finds that:

- (a) notice of 'change or termination' was not given by the parties as required by article 2 of the collective agreement between them dated August 22, 1958;
- (b) the collective agreement therefore continues to be binding on the parties for a further period to October 31, 1961;
- (c) the application is untimely by virtue of clause c of subsection 2 of section 43 of The Labour Relations Act.

2. The application is accordingly dismissed."

580-60-R: Allan R. Grover on behalf of all the undersigned employees in the bargaining group (Applicant) v. International Union United Automobile, Aircraft, Agricultural Implement Workers of America (UAW) C.I.O. (Respondent). (Granted). (18 employees).

(Re: General Motors Products of Canada, Limited,
London Warehouse)

18,505-59: W. Doherty and H. Schlegge employees of Thomas Supply and Equipment Company Limited (Applicant) v. District 50, United Mine Workers of America (Respondent). (Granted). (157 employees).

(Re: Thomas Supply and Equipment Company Limited,
Ottawa, Ontario)

APPLICATIONS FOR DECLARATION THAT STRIKE UNLAWFUL DISPOSED OF
DURING FEBRUARY 1961

678-60-U: Reliance Electric & Engineering (Canada) Limited
(Welland) (Applicant) v. A. Nicholson et al (Respondent).
(Withdrawn).

APPLICATIONS FOR CONSENT TO PROSECUTE DISPOSED OF DURING
FEBRUARY 1961

362-60-U: Essex County Building and Construction Trades
Council (Applicant) v. The Greater Windsor, Grading, Paving,
Sewer and Watermain Contractors' Association (Windsor)
(Respondent). (Withdrawn).

530-60-U: National Union of Public Employees, Local Union
814 (Applicant) v. Ottawa Sanitation Services Limited and
Moe Koffman, President (Ottawa) (Respondent). (Dismissed).

The Board endorsed the Record as follows:

"Having regard to the evidence and to the nature and circumstances of the alleged violations of section 53 of The Labour Relations Act, we are of the view that no useful purpose is to be served in granting consent to the institution of a prosecution in this case (see New Method Laundry Case (1955-59 Transfer Binder) C C H, Canadian Labour Law Reports, ¶ 16,059; C.L.S. 76-533; and Savage Shoes Limited (1949-54 Transfer Binder) C C H, Canadian Labour Law Reports, ¶ 17,060.

This application is, therefore, dismissed."

531-60-U: Theodore Castilloux (Applicant) v. Damien Labelle (Respondent). (Dismissed).

The Board endorsed the Record as follows:

"The Board is unable to find on the evidence adduced at the hearing the ingredients of an offence under section 52 of The Labour Relations Act.

The application is accordingly dismissed."

532-60-U: Theodore Castilloux (Applicant) v. Lumber and Sawmill Worker's Union Local 2537 of the United Brotherhood of Carpenters and Joiners of America (Respondent) (Dismissed).

The Board endorsed the Record as follows:

"The Board is unable to find on the evidence adduced at the hearing the ingredients of an offence under section 52 of The Labour Relations Act.

The application is accordingly dismissed."

549-60-U: Lumber and Sawmill Workers Union, Local 2693, of the United Brotherhood of Carpenters and Joiners of America (Applicant) v. Jim Mathieu Lumber Ltd. (Sepawa) (Respondent). (Withdrawn).

19,872-60: Falconbridge Nickel Mines Limited (District of Sudbury) (Applicant) v. J.E. Kahl and the 230 additional employees of the applicant (Respondents). (Withdrawn).

APPLICATIONS UNDER SECTION 65 (UNFAIR LABOUR PRACTICE)

DISPOSED OF DURING FEBRUARY 1961

342-60-U: Jean Rock Lapointe (Complainant) v. Ontario Hydro (Little Long Rapids, Kapuskasing) (Respondent).

The Board endorsed the Record as follows:

"The investigation by the field officer of this complaint reveals that a collective agreement, dated August 1st, 1959, is in effect between the respondent and the Allied Construction Council, the member unions of which consist of certain international unions of the American Federation of Labour, Congress of Industrial Organizations and the Canadian Labour Congress. The complainant was employed in a classification within the bargaining unit as set out in the collective agreement. Article VI of the agreement contains a grievance procedure which provides for final settlement of disputes by way of arbitration.

It is admitted by the complainant in his signed statement to the field officer, that he has made no attempt to invoke the grievance procedure, although it would appear that his complaint was one which might properly have been the subject of a grievance.

In the circumstances, the case falls squarely within the National Showcase Co. Ltd. Case, File No. 215-60-U, and the complaint is accordingly dismissed."

57-60-U: Printing Specialties & Paper Products Union No. 466 (Complainant) v. H. Harding & Sons Ltd. (Toronto) (Respondent).

448-60-U: Lumber and Sawmill Workers' Union, Local 2693 (Applicant) v. McLeod & Halverson (Camp #107, Sapawa) (Respondent). (Re: Arnold Selman, Fritz Higgelks and Gunter Drew).

484-60-U: Lumber and Sawmill Worker's Union, Local 2693 (Complainant) v. Maunula Trucking (Sapawa) (Respondent).

488-60-U: Teamsters Local Union 352 Fuel, Bus, Limousine, Petroleum Drivers and Allied Employees of Ontario (Applicant) v. Air Terminal Transport Limited (Toronto) (Respondent).

489-60-U: Lumber and Sawmill Workers' Union, Local 2693 (Applicant) v. Jim Mathieu Lumber Limited (Sapawa) (Respondent).

547-60-U: Local Union 633, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO (Applicant) v. D. & J. Meat Market (Toronto) (Respondent).

548-60-U: Local Union 633, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO (Applicant) v. D. & J. Meat Market (Toronto) (Respondent).

559-60-U: Local Union 911, of the International Brotherhood of Electrical Workers, AFL-CIO (Applicant) v. Riverside-Tecumseh Joint Waterworks Board (Respondent).

TRUSTEESHIP REPORTS FILED FEBRUARY 1961

T12-60 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America Local 938.
Report filed by James R. Hoffa, General President, dated February 16, 1961, stated that Local 938 was released from trusteeship, effective February 12, 1961.

For particulars of report of trusteeship see Monthly Report, Ontario Labour Relations Board, December 1960, page 346.

T13-60 Canadian Labour Congress: Local 202, Hamilton General Workers, at Hamilton, taken into trusteeship January 12, 1961, under supervision of George Dowling, Representative, Canadian Labour Congress and Harry Simon, Regional Director of Organization, Canadian Labour Congress on recommendation of Claude

Jodoin, President and Donald MacDonald, Secretary-Treasurer of Canadian Labour Congress. Report filed by Claude Jodoin, President and Donald MacDonald, Secretary-Treasurer of Canadian Labour Congress.

SPECIAL ENDORSEMENT IN CERTIFICATION APPLICATION

20,361-60: The Lumber and Sawmill Workers' Union, Local 2995 of the United Brotherhood of Carpenters and Joiners of America A.F.L.-C.I.O. (Applicant) v. Henry Selin Forest Products Limited (sawmill operations, Hearst) (Respondent) (Granted September 1960).

On January 25th, 1961 the Board endorsed the Record as follows:

"A dispute having arisen, prior to a collective agreement being reached between the parties, as to who is included in the bargaining unit, the matter will be listed for Hearing for the purpose of ascertaining whether the employees engaged in the Chip Plant at the Sawmill are employees in the bargaining unit defined in the Board's decision of September 20, 1961."

On February 8th, 1961 the Board further endorsed the Record as follows:

"The Board finds that the employees of the respondent engaged in the barking and chipping operations at the sawmill in Nassau Township are employees of the respondent in the bargaining unit defined in the Board's decision of September 20th, 1961."

MONTHLY REPORT

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1961

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ONTARIO LABOUR RELATIONS BOARD

MONTHLY REPORT OF THE ONTARIO LABOUR RELATIONS BOARD

FOR THE MONTH OF MARCH, 1961

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PART ONE

STATISTICAL TABLES

TABLE 1

APPLICATIONS FILED WITH THE ONTARIO LABOUR RELATIONS BOARD *

Type of Application	Number of Applications Filed		
	March 1961	1st 12 months of fiscal year 60-61	59-60
I. Certification	64	720	764
II. Declaration Terminating Successor Status	4	60	84
III. Declaration of Successor Status	7	11	12
IV. Conciliation Services	101	1061	1163
V. Determination under Section 68 of Act	1	10	7
VI. Consent to Early Termination of Agreement	1	2	1
VII. Declaration that Strike Unlawful	3	27	26
VIII. Declaration that Lockout Unlawful	-	2	2
IX. Consent to Prosecute	10	96	87
X. Miscellaneous	-	2	1
XI. Complaint of Unfair Practice in Employment (Section 65)	<u>10</u>	<u>61</u>	<u>-</u>
TOTAL:	<u>201</u>	<u>2052</u>	<u>2147</u>
*Revised			

TABLE II
HEARINGS OF THE ONTARIO LABOUR RELATIONS BOARD

March 1961	Number	
	1st 12 months of fiscal year 60-61	59-60

38 820 1112

TABLE III

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS
BOARD BY MAJOR TYPES

Type of Application	Number of Applications Disposed of		
	March 1961	1st 12 months of 60-61	fiscal year 59-60
I. Certification	56	749	746
II. Declaration Terminating Bargaining Rights	10	65	81
III. Declaration of Successor Status	-	9	7
IV. Conciliation Services	89	1032	1203
V. Determination under Section 79 of Act	-	8	7
VI. Consent to Early Termination of Agreement	1	2	-
VII. Declaration that Strike Unlawful	3	30	28
VIII. Declaration that Lockout Unlawful	-	1	4
IX. Consent to Prosecute	10	99	99
X. Miscellaneous	-	2	2
XI. Complaint of Unfair Practice in Employment (Section 65)	<u>24</u>	<u>46</u>	<u>-</u>
TOTAL:	<u>193</u>	<u>2043</u>	<u>2177</u>

*This does not include cases in which the question of successor status arises as a collateral issue.

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TABLE IV

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS BOARD
BY TYPES AND BY DISPOSITION

Disposition	No. Appl'ns Disposed of			Employees*		
	Mar. 1st '61	12 mos. 60-61	fiscal yr. 59-60	Mar. 1st '61	12 mos. 60-61	fiscal yr. 59-60
I. Certification						
<u>Certified</u>						
CLC	27	397	429	490	10843	10334
Other	<u>12</u>	<u>126</u>	<u>74</u>	<u>177</u>	<u>2949</u>	<u>1393</u>
Total	39	523	503	667	13792	11727
<u>Dismissed</u>						
CLC	2	105	132	54	4151	8760
Other	<u>5</u>	<u>47</u>	<u>38</u>	<u>205</u>	<u>1677</u>	<u>1540</u>
Total	7	152	170	259	5828	9400
<u>Withdrawn</u>						
CLC	9	60	56	457	1417	1735
Other	<u>1</u>	<u>14</u>	<u>17</u>	<u>8</u>	<u>182</u>	<u>308</u>
Total	10	74	73	465	1599	2043
TOTAL:	<u>56</u>	<u>749</u>	<u>746</u>	<u>1391</u>	<u>21219</u>	<u>23170</u>
Certification Applications Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications for certification were filed with the Board. Totals for applications dismissed and withdrawn are approximate.

- 422 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	No. Appl's Disposed of			Employees*		
	Mar. 1st	12 mos.	fiscal yr.	Mar. 1st	12 mos.	fiscal yr.
	'61	60-61	59-60	'61	60-61	59-60

II. Termination
Bargaining Rights

Terminated

CLC	7	31	30	134	659	812
Other	<u>-</u>	<u>6</u>	<u>5</u>	<u>-</u>	<u>284</u>	<u>52</u>
Total	7	37	35	134	943	864

Dismissed

CLC	1	15	37	70	592	1355
Other	<u>1</u>	<u>4</u>	<u>4</u>	<u>63</u>	<u>116</u>	<u>50</u>
Total	2	19	41	133	708	1405

Withdrawn

CLC	1	8	3	5	467	289
Other	<u>-</u>	<u>1</u>	<u>2</u>	<u>-</u>	<u>13</u>	<u>141</u>
Total	1	9	5	5	480	430

TOTAL:	<u>10</u>	<u>65</u>	<u>81</u>	<u>272</u>	<u>2131</u>	<u>2699</u>
Termination						
Applications						
Disposed of						

*These figures refer to the number of employees directly affected, and are based on the number of employees in the bargaining units at the time the applications were filed with the Board. Totals for termination applications dismissed and withdrawn are approximate.

- 42 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	Number of Applications Disposed of		
	March 1961	1st 12 months of fiscal year 60-61	fiscal year 59-60

III. Successor Status

Granted	-	7	7
Dismissed	-	1	-
Withdrawn	-	<u>1</u>	-
Total:	-	<u>9</u>	<u>7</u>

IV. Conciliation Services*

Referred

CLC	54	743	940
Other	<u>24</u>	<u>222</u>	<u>166</u>
Total	78	965	1106

Dismissed

CLC	1	14	34
Other	<u>2</u>	<u>6</u>	<u>3</u>
Total	3	20	37

Withdrawn

CLC	6	29	56
Other	<u>2</u>	<u>18</u>	<u>4</u>
Total	8	47	60

TOTAL:	<u>89</u>	<u>1032</u>	<u>1203</u>
Conciliation Applications Disposed of			

*Includes applications for conciliation services re unions claiming successor status

- 424 - APPLICATIONS DISPOSED OF BY
BOARD (continued)

Disposition	Number of Applications Disposed of		
	March 1961	1st 12 months of fiscal year 60-61	59-60

V. Determination under
Section 79

Granted	-	1	2
Dismissed	-	3	1
Withdrawn	<u>-</u>	<u>4</u>	<u>4</u>
Total:	<u>-</u>	<u>8</u>	<u>7</u>

VI. Consent to Early
Termination of
Agreement

Granted	1	2	-
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>-</u>
Total:	<u>1</u>	<u>2</u>	<u>-</u>

VII. Declaration that
Strike Unlawful

Granted	-	4	5
Dismissed	1	2	2
Withdrawn	<u>2</u>	<u>24</u>	<u>21</u>
Total:	<u>3</u>	<u>30</u>	<u>28</u>

- 425 - APPLICATIONS DISPOSED OF BY
BOARD (cont'd.)

Disposition	Number of Applications Disposed of		
	March 1961	1st 12 months of fiscal year 60-61	59-60

VIII. Declaration that
Lockout Unlawful

Granted	-	1	1
Dismissed	-	-	-
Withdrawn	<u>-</u>	<u>-</u>	<u>3</u>
Total	<u>-</u>	<u>1</u>	<u>4</u>

IX. Consent to
Prosecute

Granted	4	25	31
Dismissed	-	6	11
Withdrawn	<u>6</u>	<u>68</u>	<u>57</u>
Total	<u>10</u>	<u>99</u>	<u>99</u>

X. Miscellaneous*

Granted	-	1	-
Dismissed	-	1	1
Withdrawn	<u>-</u>	<u>-</u>	<u>1</u>
Total	<u>-</u>	<u>2</u>	<u>2</u>

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TABLE V

REPRESENTATION VOTES IN CERTIFICATION APPLICATIONS DISPOSED OF
BY THE BOARD

Disposition	Number of Votes		
	March 1961	1st 12 months of 60-61	fiscal year 59-60

(1)

<u>Certification after Vote</u>			
<u>Ballot Choice</u>			
Yes-No	3	38	22
Choice between 2 unions	4	47	33
Other	-	1	-
<u>Total Certified</u>	7	86	55

<u>Dismissed after Vote</u>			
<u>Ballot Choice</u>			
Yes-No	3	56	60
Choice between 2 unions	1	17	18
Other	-	-	-
<u>Total Dismissed</u>	4	73	78
GRAND TOTAL:	<u>11</u>	<u>159</u>	<u>133</u>
Certification Appl'ns Disposed of after vote			

(1) See Explanatory Notes, April 1960 Report, Page 3

REPRESENTATION VOTES IN TERMINATION APPLICATIONS DISPOSED OF
BY THE BOARD

Disposition	Number of Votes		
	March 1961	1st 12 months of 60-61	fiscal year 59-60

Respondent Union Successful*

CLC	4	6	5
Other	-	3	-
Total	4	9	5

Respondent Union Unsuccessful

CLC	-	9	20
Other	-	4	4
Total	4	13	24

GRAND TOTAL:	<u>4</u>	<u>22</u>	<u>29</u>
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*In terminating proceedings where a vote is taken, the applicant is a group of employees, or the employer; the incumbent union is thus the respondent.

PART TWO

CASE LISTINGS

APPLICATIONS DISPOSED OF BY THE ONTARIO LABOUR RELATIONS

BOARD DURING MARCH 1960

Bargaining Agents Certified During March
No Vote Conducted

268-60-R: International Union, United Automobile Aircraft and Agricultural Implement Workers of America (UAW) (Applicant) v. Chrysler Corporation of Canada (parts depot, township of Etobicoke) (Respondent).

Unit: "all employees of the respondent at its parts depot in the township of Etobicoke, save and except supervisors, persons above the rank of supervisor, despatch clerk, office employees, and security guards." (21 employees in the unit)

The Board endorsed the Record in part as follows:

"The applicant presented evidence that more than fifty-five per cent of the employees in the bargaining unit were members of the applicant at the material times fixed in accordance with The Labour Relations Act and the Board's Rules of Procedure.

A group of 13 employees submitted to the Board a statement in writing indicating their desire to make representations to the Board in opposition to the application and they appeared at the hearing by a representative, namely Perez, who originated and circulated the document. Some of these employees had also signed membership cards and paid fees to the applicant union.

The applicant made allegations of improper conduct on the part of representatives of management which, it submitted, had a bearing on the weight which the Board should give to the statement of desire referred to in paragraph 4.

At the hearings, evidence was adduced by all parties under oath on these allegations and an opportunity was afforded to counsel and to the representatives of the parties to examine and cross-examine witnesses.

Evidence was presented of certain interviews with, and statements made to, employees in the bargaining unit by two supervisors who acted on instructions from their superiors.

Counsel for the respondent submitted that the question for the Board was whether management made to the employees any untrue statement or used undue influence, intimidation, threats or made any promise of anything. In effect, he asked the Board to determine that the statements made to the employees were permissible by virtue of the recent amendments to what is now section 48 of The Labour Relations Act.

Section 48 is couched in broad terms and it is impossible, and probably unwise, to attempt at this time to spell out in detail what an employer may or may not do in compliance with the section. Each case will obviously turn on its own peculiar facts. Some of the factors that may have to be taken into account may be whether the views expressed to the employees were communicated to each of them privately or to the employees in a group, whether the employees were in fact free to attend or not to attend to hear the expression of views, whether the views were expressed in reply to some statement of the union or consisted of comments made 'at large' as to the desirability of the employees joining a unit or any particular union, whether employees were urged or advised, either expressly or impliedly, to notify the Board of their opposition to the union, or whether the employees were asked about their sympathies in respect to the union or about their membership or non-membership.

In the instant case, for the reasons set out below, it is unnecessary for us to go into any of the questions posed above, and we therefore express no opinion as to whether the interviews between management and the employees were proper or improper. We are called upon here to deal with a situation where McAfee, one of the supervisors, and admittedly a person acting on behalf of the employer, interfered in the selection or representation of the employees by the applicant union by giving specific assistance and advice to Perez in connection with the preparation and circulation of the statement of desire. Such assistance and advice does not constitute 'an expression of views' and therefore does not fall within the protection of the amendment to section 48 to the effect that 'nothing in this section shall be deemed to deprive an employer of his freedom to express his views'.

Having regard to these findings, we do not deem it necessary in this case to seek the confirmatory evidence of a representation vote. A certificate will issue to the applicant."

277-60-R: International Brotherhood of Electrical Workers (Applicant) v. Elmira Public Utilities Commission (Respondent).

Unit: "all employees of the respondent save and except superintendent, persons above the rank of superintendent and office staff." (4 employees in the unit)

294-60-R: International Association of Bridge, Structural and Ornamental Iron Workers, Local 765 (Applicant) v. Montreal Forged Products Limited (Ottawa and Eastview) (Respondent).

Unit: "all employees of the respondent at Ottawa and Eastview, engaged in the erection and installation of ornamental aluminum and iron work and other metal structures, save and except foremen and persons above the rank of foreman."
(11 employees in the unit)

437-60-R: Local Union 633, Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO (Applicant) v. D & J Meat Market (Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at Metropolitan Toronto, save and except owner-manager, office staff and persons employed for not more than 24 hours per week."
(3 employees in the unit)

The Board endorsed the Record in part as follows:

"For the purposes of clarity, the Board finds that Fred Jedrzejak is an employee of the respondent included in the bargaining unit."

445-60-R: Lumber and Sawmill Workers' Union, Local 2693, of the United Brotherhood of Carpenters & Joiners of America (Applicant) v. Allan Maunula and Paul Maunula (in its woods operation in the Rae Lake area described in License to cut Crown timber #D 641 and in the Seine River area described in License to cut Crown timber #D 1484, and in the Quetico Park area described in Licenses to cut Crown timber #D 1509 and D 1848) (Respondent).

Unit: "all employees of the respondent in its woods operation in the Rae Lake area described in License to cut Crown timber #D 641 and in the Seine River area described in License to cut Crown timber #D 1484, and in the Quetico Park area described in Licenses to cut Crown timber #D 1509 and D 1848, save and except foremen, persons above the rank of foreman, office and sales staff, retail store employees, scalers and tallymen."
(76 employees in the unit)

480-60-R: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local 419, Warehousemen and Miscellaneous Drivers (Applicant) v. Bulk-Lift Systems Limited (Toronto) (Respondent).

Unit: "all employees of the respondent at Toronto, save and except foremen, persons above the rank of foreman and office staff." (10 employees in the unit).

The Board endorsed the Record as follows:

"Mr. Mortson, one of the two witnesses who testified on behalf of the group of employees, admitted that he and eight other employees met with Mr. Stott, the president of the respondent company, in his office late in the afternoon of January 25th, 1961.

Mr. Mortson explained that he arranged this meeting with Mr. Stott on behalf of the employees because some employees felt that they might have acted too hastily in joining the union. He stated that the employees wished to talk the matter over with Mr. Stott so that they could get his views before discussing it among themselves. The meeting with Mr. Stott, in his office, lasted approximately three-quarters of an hour. Mr. Stott then withdrew from his office and the employees remained in the office and continued their meeting for approximately two hours, during which time they made the decision to submit the petition opposing the certification of the applicant, to the Board.

Mr. Mortson explained that he prepared the petition at his home that same evening after the meeting. Next morning, January 26th, he met with seven of the employees in the foreman's office where these persons then signed the petition. This meeting, he states, had been arranged by the employees the previous evening to take place, as it did, before the arrival of the foreman. Also in accordance with an arrangement made on the night before with another employee, he then took the petition and left it in the drawer of the desk of this other employee so that this person, who had not then reported for work, could sign it when he came to work later that day. In the afternoon of the same day this particular employee showed Mr. Mortson the petition which then contained the additional signature of this employee, plus one other.

This employee then placed the petition in a sealed envelope addressed to the Board and gave it to another person to mail at the Post Office. Some time during the morning of January 26th and after the seven employees had signed the petition, a group of employees advised the foreman that they had decided to send in the document opposing the certification of the applicant. According to Mr. Mortson, after the document had been sent to the Board, the president, Mr. Stott, spoke to the employees and expressed his thanks to them 'for their vote of confidence'.

On the basis of the evidence before us, we are not satisfied that the petition reflects the free and voluntary wishes of the employees uninfluenced by any interference, support or assistance on the part of management.

In the result, therefore, we are unable to hold that the petition weakens the union's evidence of membership so as to require the Board to seek the confirmatory evidence of a representation vote."

564-60-R: United Brotherhood of Carpenters and Joiners of America, Local 2965 (Resilient Floor Workers Section) (Applicant) v. O. H. Evans and Sons Limited (Toronto) (Respondent).

Unit: "all employees of the respondent employed at and working out of Toronto engaged in the installation of draperies and similar furnishings, save and except foremen, persons above the rank of foreman, and office and sales staff." (16 employees in the unit)
(Unit agreed to by the parties)

578-60-R: Local Union 2095 of the International Brotherhood of Electrical Workers AFL-CIO-CLC (Applicant) v. The Public Utilities Commission of the Town of Trenton (office employees, Town of Trenton) (Respondent).

Unit: "all office employees of the respondent, save and except the manager, the confidential secretary to the manager, the accountant-office supervisor, and persons regularly employed for not more than 24 hours per week."
(6 employees in the unit)

579-60-R: Local Union 2095 of the International Brotherhood of Electrical Workers AFL-CIO-CLC (Applicant) v. The Public Utilities Commission of the Town of Trenton (Town of Trenton) (Respondent).

Unit: "all employees of the respondent save and except foremen, persons above the rank of foreman, office staff and persons regularly employed for not more than 24 hours per week." (20 employees in the unit)

592-60-R: International Union of Operating Engineers, Local 700 (Applicant) v. Dominion Tar & Chemical Company Limited (Hamilton) (Respondent).

Unit: "all stationary engineers employed in the boiler room of the respondent at Hamilton, save and except the chief engineer." (4 employees in the unit)

602-60-R: International Chemical Workers Union, A.F. of L., C.I.O. C.L.C. (Applicant) v. Dominion Tar and Chemical Company Limited (Hamilton) (Respondent) v. International Union of Operating Engineers, Local 700 (Intervener).

Unit: "all employees of the respondent at Hamilton, save and except stationary engineers employed in its boiler room, office staff, foremen and persons above the rank of foreman." (14 employees in the unit)

604-60-R: General Truck Drivers' Union Local 938 affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Moore's Coal and Wood Yard (Belleville) (Respondent).

Unit: "all employees of the respondent employed at and working out of Belleville, save and except foremen, persons above the rank of foreman and office staff." (4 employees in the unit)

625-60-R: Bakery & Confectionery Workers' International Union of America, Factory Bakers Union, Local 264 (Applicant) v. Salada-Shirriff-Horsey Ltd. (Alliston plant) (Respondent).

Unit: "all employees of the respondent at Alliston, save and except foremen, foreladies, and persons above the rank of foreman or forelady, stationary engineers and office staff." (78 employees in the unit)

634-60-R: The Canadian Union of Operating Engineers (Applicant) v. Salada-Shirriff-Horsey Limited (Alliston) (Respondent).

Unit: "all stationary engineers in the employ of the respondent in its power plant at Alliston, save and except the chief engineer." (4 employees in the unit)

The Board endorsed the Record in part as follows:

"The representative of the group of employees of the respondent who had filed a statement of desire to make representations to the Board in opposition to this application, withdrew the objections of the group of employees."

638-60-R: International Hod Carriers', Building and Common Labourers' Union of America, Local 183 (Applicant) v. Marino Construction Company Limited (within the boundaries of the Municipality of Metropolitan Toronto, and the Town of Richmond Hill) (Respondent).

Unit #1: "all construction labourers employed by the respondent within the boundaries of the Municipality of Metropolitan Toronto, save and except non-working foremen and persons above the rank of non-working foreman." (10 employees in the unit)
(Certificate granted to this unit)

Unit #2: "all construction labourers employed at the Town of Richmond Hill, save and except non-working foremen and persons above the rank of non-working foreman." (6 employees in the unit)
(Certificate granted to this unit)

644-60-R: United Brotherhood of Carpenters and Joiners of America, Local 2486 (Applicant) v. Cecchetto & Sons Ltd. (within a radius of 35 miles of the Sudbury Federal Building) (Respondent).

Unit: "all millwrights and millwright apprentices in the employ of the respondent within a radius of 35 miles of the Sudbury Federal Building, save and except non-working foremen and persons above the rank of non-working foreman." (4 employees in the unit)

648-60-R: Office Employees International Union, Local 343 (Applicant) v. International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union #880 (Windsor) (Respondent).

Unit: "all clerical office employees of the respondent at Windsor." (2 employees in the unit)

657-60-R: London Typographical Union No. 133 (Applicant) v. Lawson & Jones, Limited (London) (Respondent).

Unit: "all employees of the respondent at London, engaged in composing room work, save and except non-working foremen and persons above the rank of non-working foreman."
(14 employees in the unit)

The Board endorsed the Record in part as follows:

"For the purposes of clarity the Board declares that, under the circumstances of this case, proof readers are employees of the respondent included in the bargaining unit."

672-60-R: The National Union of Public Employees, C.L.C. (Applicant) v. The Municipality of The Town of Brampton (Town of Brampton, County of Peel) (Respondent) v. Local Union 635 of the International Brotherhood of Electrical Workers (Intervener).

Unit: "all employees of the respondent, save and except Foremen, persons above the rank of foreman, office staff, persons regularly employed for not more than 24 hours per week, subdivision inspectors and students hired for the school vacation period." (22 employees in the unit)

687-60-R: International Hod Carriers' Building & Common Labourers' Union of America, Local No. 1059, London (Applicant) v. Anglin-Norcross (Ontario) Limited (at the Ontario Hospital Project near Goderich in the County of Huron) (Respondent).

Unit: "all construction labourers employed by the respondent at the Ontario Hospital Project near Goderich in the County of Huron, save and except non-working foremen and persons above the rank of non-working foreman." (7 employees in the unit)

698-60-R: United Brotherhood of Carpenters and Joiners of America (Applicant) v. Canada Grading and Structures Ltd. (Homer Street Bridge Project at St. Catharines) (Respondent).

Unit: "all carpenters and carpenters' apprentices employed by the respondent at its Homer Street Bridge Project at St. Catharines, save and except non-working foremen, and persons above the rank of non-working foreman." (49 employees in the unit)

699-60-R: American Federation of Grain Millers International Union AFL-CIO, CLC (Applicant) v. Pillsbury Canada Ltd. (Midland plant) (Respondent).

Unit: "all employees of the respondent in the laboratory in its plant at Midland, save and except supervisors and persons above the rank of supervisor." (5 employees in the unit)

700-60-R: Milk Drivers and Dairy Employees Local Union, No. 647, of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Producers Dairy Limited (Ottawa plant and its Brockville Depot) (Respondent).

Unit: "all ice cream driver-salesmen of the respondent employed at or working out of its Ottawa plant and its Brockville Depot save and except foremen, persons above the rank of foreman and persons presently bound by subsisting collective agreements binding upon the respondent." (5 employees in the unit)

714-60-R: General Truck Drivers' Union, Local 938, Toronto, Ontario, Canada, affiliated to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers (Applicant) v. Brink's Express Company of Canada (Sudbury) (Respondent).

Unit: "all employees of the respondent at Sudbury, save and except dispatchers and persons above the rank of dispatcher." (2 employees in the unit)

The Board endorsed the Record in part as follows:

"For the purposes of clarity the Board declares that cashiers are excluded from the bargaining unit."

737-60-R: Printing Specialties & Paper Products Union, Local 466 (Applicant) v. St. Lawrence Corporation Limited (Bag Division at Metropolitan Toronto) (Respondent).

Unit: "all employees of the respondent at its Bag Division at Metropolitan Toronto, save and except foremen, persons above the rank of foreman and office and sales staff." (16 employees in the unit)

751-60-R: United Brotherhood of Carpenters & Joiners of America A.F.L. C.I.O. C.L.C. (Applicant) v. Anglin-Norcross (Ontario) Ltd. (Ontario Hospital Project near Goderich in the County of Huron) (Respondent).

Unit: "all carpenters and carpenters' apprentices employed by the respondent at the Ontario Hospital Project near Goderich in the County of Huron, save and except non-working foremen and persons above the rank of non-working foreman." (11 employees in the unit)

Board Member D.B. Archer dissented and said:

"I dissent insofar as the description of the bargaining unit is concerned. I would have issued an area certificate."

752-60-R: Canadian Guards Association (Applicant) v. Rothmans of Pall Mall Canada Limited (Metropolitan Toronto) (Respondent) v. International Union of Operating Engineers, Local 796 (Intervener).

Unit: "all security guards of the respondent at Metropolitan Toronto, save and except the chief security officer and persons above the rank of chief security officer."
(5 employees in the unit)

770-60-R: National Union of Public Employees, C.L.C. (Local 808) (Applicant) v. The Board of Education For The Township of Etobicoke (Respondent).

Unit: "all employees of the respondent engaged in the operation of school buses save and except foremen and persons above the rank of foreman." (4 employees in the unit)

778-60-R: International Union, United Automobile, Aircraft and Agricultural Implement Workers of America (U.A.W.) (Applicant) v. Imperial School Desks Limited (at its plant at Petrolia) (Respondent).

Unit: "all employees of the respondent at its plant at Petrolia, save and except foremen, persons above the rank of foreman and office staff." (12 employees in the unit)

779-60-R: United Steelworkers of America (Applicant) v. West Bend Aluminum Co. (Canada) Ltd. (at its plant at Barrie) (Respondent).

Unit: "all employees of the respondent at its plant at Barrie, save and except foremen, persons above the rank of foreman and office and sales staff." (36 employees in the unit)

20,485-60-R: Hotel Motel & Restaurant Employees Union Local No. 899, A.F.L.-C.I.O.-C.L.C. (Applicant) v. Pitt Street Hotel Co. Ltd. (at its King George Hotel at Cornwall) (Respondent).

Unit: "all employees of the respondent employed at its King George Hotel at Cornwall, save and except manager, persons above the rank of manager, office staff and persons regularly employed for not more than 24 hours per week."
(25 employees in the unit) (Unit agreed to by the parties)

Certified Subsequent to Pre-hearing Vote

495-60-R: The Canadian Union of Operating Engineers (Applicant) v. E.S. & A. Robinson (Canada) Limited (Boiler house, Leaside) (Respondent) v. International Union of Operating Engineers Local 796 (Intervener).

Unit: "all stationary engineers employed by the respondent in its boiler house at Leaside, save and except the chief engineer." (6 employees in the unit)

Number of names on revised eligibility list		6
Number of ballots cast		6
Number of ballots marked in favour of applicant	6	
Number of ballots marked in favour of intervener	0	

496-60-R: The Canadian Union of Operating Engineers (Applicant) v. Canadian General-Tower Limited (Galt) (Respondent) v. Canadian Resin Workers Union, Division No 1 (N.C.C.L.) (Intervener).

Unit: "all stationary engineers and their helpers in the employ of the respondent at Galt, save and except the chief engineer and persons above the rank of chief engineer."
(9 employees in the unit)

Number of names on revised eligibility list		9
Number of ballots cast		9
Number of ballots marked in favour of applicant	9	
Number of ballots marked in favour of National Union of Operating Engineers, of Canada, Local 851, of the United Construction Workers, Affiliated to the United Mine Workers of Canada	0	

581-60-R: The Canadian Union of Operating Engineers (Applicant) v. W. R. Grace and Company of Canada Limited Cryovac Division (Township of Toronto) (Respondent).

Unit: "all stationary engineers employed primarily in the boiler room, save and except the chief engineer, other foremen and persons above the rank of foreman at the respondent's premises on Dixie Road in the Township of Toronto."
(4 employees in the unit)

Number of names on eligibility list		4
Number of ballots cast		4
Number of ballots marked in favour of applicant	4	
Number of ballots marked in favour of International Union of Operating Engineers, Local 796.	0	

Certified Subsequent to Post-hearing Vote

381-60-R: International Hod Carriers Building and Common Laborers' Union of America, Local 607 (Applicant) v. Moland Masonry Contractors (geographical district of Thunder Bay) (Respondent) v. Lumber and Sawmill Workers Union, Local 2693 (Intervener).

Unit: "all construction labourers in the employ of the respondent in the geographical district of Thunder Bay, save and except non-working foremen and persons above the rank of non-working foreman." (8 employees in the unit)

Number on revised voters' list	6	6
Number of ballots cast	6	
Number of ballots marked in favour of applicant	5	
Number of ballots marked in favour of intervener	1	

401-60-R: American Federation of Grain Millers International Union AFL-CIO, CLC (Applicant) v. Ralston Purina Company of Canada Limited (Township of Toronto plant) (Respondent).

Unit: "all employees of the respondent at its plant in the Township of Toronto, save and except foremen, persons above the rank of foreman, office and sales staff and stationary engineers." (35 employees in the unit).

Number of names on revised voters' list	34	34
Number of ballots cast	34	
Number of ballots marked in favour of applicant	26	
Number of ballots marked as opposed to applicant	8	

498-60-R: Independent Union of Watercraft (Applicant) v. Watercraft Industries Limited (Peterborough) (Respondent).

Unit: "all employees of the respondent at Peterborough, save and except foremen, persons above the rank of foreman and office staff." (95 employees in the unit)

Number of names on revised eligibility list	54	56
Number of ballots cast	54	
Number of spoiled ballots	1	
Number of ballots marked in favour of applicant	36	
Number of ballots marked as opposed to applicant	17	

20,291-60: The Canadian Union of Operating Engineers (Applicant) v. Adelaide & Peter Buildings Limited (Commodore Building, Toronto) (Respondent) v. International Union of Operating Engineers Local 796 (Intervener).

Unit: "all stationary engineers and persons primarily engaged as their helpers, employed by the respondent at the Commodore Building in Toronto, save and except the chief engineer." (3 employees in the unit)

Number of names on eligibility list		3
Number of ballots cast	3	
Number of ballots marked in favour of applicant	3	
Number of ballots marked in favour of intervener	0	

Applications for Certification Dismissed no Vote Conducted

407-60-R: Canadian Textile Council (Applicant) v. Harding Carpets Limited (Carpet Yarn Mill, Guelph) (Respondent) v. National Union of Operating Engineers of Canada (Intervener) v. Textile Workers' Union of America, South Western Ontario Textile Joint Board, and its Local Number 741 (Intervener). (146 employees).

The Board endorsed the Record as follows:

1. The applicant has applied for certification as bargaining agent for a unit consisting of employees of the respondent in its carpet yarn mill at Guelph with certain exceptions not here relevant.

2. The employees in this proposed unit are currently bound by a collective agreement between the respondent company and one of the interveners in this application, namely the Textile Workers Union of America, South Western Ontario Textile Joint Board, and its Local Number 741. The respondent and this intervener contend that the agreement is also binding on certain employees in what may for convenience be referred to as the worsted yarn mill at Guelph.

3. The applicant bases its argument as to the appropriateness of the bargaining unit on two grounds:

- (a) that the employees in the worsted yarn mill are not employees of the respondent in the instant case but rather the employees of Newlands-Harding Yarns Limited;

- (b) that, even if the Board were to hold that the employees in the worsted yarn mill are in fact employees of the respondent, nevertheless the relationship between the employees in the two mills is such that the Board should not apply its decision in an earlier Harding Carpets Case (File No. 9308-55) in which it found in effect that the employees in the carpet yarn mill and in the worsted yarn mill formed one unit.

(4) After having given careful consideration to the evidence adduced and to the arguments of counsel and of the representatives of the parties, the Board finds that the employees in the worsted yarn mill are employees of the respondent.

(5) The Board further finds that the evidence adduced as to the changes in the operation of the two mills is not sufficient, having regard to the bargaining history with respect to the employees in the two mills, to warrant the Board reaching a different conclusion as to the composition of the appropriate bargaining unit in this case from that which it reached in the previous Harding Carpets Case (File No. 9308-55).

The application is accordingly dismissed."

656-60-R: United Brotherhood of Carpenters and Joiners of America. A.F.L. C.I.O. C.L.C. (Applicant) v. Anglin-Norcross (Ontario) Ltd. (County of Huron) (Respondent) (12 employees)

The Board endorsed the Record as follows:

"The documentary evidence of membership in the applicant in this matter was filed with the Board after the terminal date set for this application by the Registrar. Having regard to the provisions by section 50 of the Board's Rules of Procedure, this application is dismissed."

738-60-R: The Canadian Iron Workers Union (Applicant) v. Dominion Structural Steel Limited (Rexdale) (Respondent) v. International Association of Bridge Structural & Ornamental Iron Workers Local 743 (Intervener) v. International Association of Bridge Structural & Ornamental Iron Workers Local 721 (Intervener) v. Sheet Metal Workers' International Association, Local Union #30 (Intervener).

Unit: all erection men in the employ of the respondent in its Disher Steel Division at the Township of Etobicoke who work outside the shop, save and except non-working foremen and persons above the rank of non-working foreman."
(18 employees)

Certification Dismissed subsequent to Pre-Hearing Vote

346-60-R: Canadian Union of Operating Engineers (Applicant) v. Carling Breweries Limited (Boiler room and compressor room, Windsor) (Respondent) v. Local 944, International Union of Operating Engineers (Intervener).

Voting Constituency: "all stationary engineers and persons primarily engaged as their helpers employed by the respondent in its boiler room and compressor room at Windsor, Ontario, save and except assistant chief engineer and chief engineer."
(10 employees)

The Board endorsed the Record in part as follows:

- "1. The applicant has filed a statement of objections and desire to make representations with the Board within the time fixed under sub-section 2 of section 44 of the Board's Rules of Procedure following the taking of the pre-hearing representation vote pursuant to the Board's direction of January 25, 1961 in this matter.
2. With respect to the allegation that the applicant's name appeared on the ballot in a manner inconsistent with the understanding arrived at during the meeting at which voting arrangements were made, we are of the opinion that in all the circumstances this objection is without merit.
3. The applicant also alleges that the intervening union violated the no-propaganda rule by distributing propaganda and electioneering during the 72 hour period immediately preceding the taking of the vote. The only evidence in support of this allegation is two statutory declarations by employees, together with a letter addressed to one of the employees. The letter is not identified in or made an exhibit to the statutory declaration. This Board has long taken the position that it will not act on statutory declarations in matters of this kind.

However, a representative of the intervening union went into the witness box and testified that he personally mailed, at a postal sub-station in Toronto, certain electioneering material between 7:45 and 7:50 p.m. on the evening of February 3rd. He also testified that there was a pickup from the substation at 8 p.m. and again at 12 midnight and that, in his experience, letters mailed before 8 p.m. were normally received the next day in Windsor. The no-propaganda period commenced at 12 midnight on February 4th.

4. While in the Cyanamid of Canada Ltd., Case, O.L.R.B. Monthly Report, August 1959, page 176, the Board noted the dangers of sending propaganda by mail at a time close to the commencement of the no-propaganda rule (see also the Wilcolator (Canada) Ltd. Case, O.L.R.B. Monthly Report, October 1959, page 245) in this case the only evidence of which the Board is able to take cognizance is that the propaganda was sent prior to the commencement of the no-propaganda period and would normally be received at a time before the expiry of the propaganda period.

5. In matters of this kind the onus is on the party objecting to the vote to satisfy the Board that an irregularity has taken place. In the circumstances outlined above, the Board is unable to say that it is satisfied that an irregularity has occurred and the objections of the applicant must therefore be dismissed."

Number of names on eligibility list		9
Number of ballots cast	9	
Number of ballots marked in favour of applicant	4	
Number of ballots marked in favour of intervener	5	

Certification Dismissed subsequent to Post-Hearing Vote

68-60-R: Milk Drivers and Dairy Employees Local Union #647
(Applicant) v. Pocock Dairy Limited, Brampton, Ontario
(Respondent).

Unit: "all employees of the respondent at Brampton, save and except office staff, route supervisors, foremen, persons above the rank of route supervisor and foreman."
(14 employees in the unit)

On February 6th, 1961, the Board endorsed the Record in part as follows:

"The applicant union filed evidence of membership for nine of the fourteen persons included in the bargaining unit on the date of the application.

A document submitted by the objectors as indicating opposition to the certification of the applicant, contains the signatures of ten persons all of whom, save one, are included in the bargaining unit. This person, who is not in the bargaining unit, is a foreman exercising managerial functions and on the evidence was the sixth person to subscribe his name to the document. His signature appears in the column of ten signatures as the sixth down from the first and the evidence indicates that he in fact signed the document after and not in the presence of the five persons whose signatures precede his.

Apart from the bare fact of the foreman signing the document, there is no evidence whatever from which it could be found or reasonably inferred that management participated in the origination, preparation or circulation of the document. The question in issue, therefore, is what weight should be given to the signatures to the document under the circumstances of this case when it has been signed by a representative of management. In the past, the Board has in some circumstances and particularly where it was otherwise satisfied with the identification of the signatures, given weight to so many of the signatures as it was satisfied were subscribed to the document prior in time to when it was signed by the management representative. It is our view that, in the circumstances of the instant case, we must give weight to such of the signatures as are material and which precede that of the signature of the foreman. In this respect, there is sufficient "overlap" among the first five signatures on the document to bring the number of unchallenged union membership cards to less than fifty-five per cent of the employees in the bargaining unit."

Board Member G. Russell Harvey dissented and said:

"I dissent. Although there is no evidence to indicate any interest or activity on the part of the foreman with respect to the document before he signed it, it is reasonable to assume under the circumstances of this case, that since the foreman signed the document at an early stage in its circulation, his views were known to all concerned. I would, therefore, not give weight to the document and would grant certification to the applicant."

Number on revised voters' list		14
Number of ballots cast	14	
Number of ballots marked in favour of applicant	4	
Number of ballots marked as opposed to applicant	10	

460-60-R: Fuel, Bus, Limousine, Petroleum Drivers and Allied Employees Local Union No. 352, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (Applicant) v. Vigor Oil Company (Oshawa) (Respondent).

Unit: "all employees of the respondent employed at and working out of Oshawa, save and except foremen, persons above the rank of foreman and office staff." (17 employees in the unit)

Number on revised eligibility list		17
Number of ballots cast	17	
Number of ballots marked in favour of applicant	6	
Number of ballots marked as opposed to applicant	11	

508-60-R: Retail, Wholesale and Department Store Union AFL: CIO:CLC (Applicant) v. Mike's Super Market Limited (Retail stores, Timmins) (Respondent).

Unit: "all employees of the respondent at its retail stores in Timmins, save and except store managers, persons above the rank of store manager, office staff, persons regularly employed for not more than 24 hours per week and students hired for the school vacation period." (42 employees in the unit)

Number of names on revised eligibility list		45
Number of ballots cast	42	
Number of ballots marked in favour of applicant	4	
Number of ballots marked as opposed to applicant	35	
Ballots segregated and not counted	3	

APPLICATIONS FOR CERTIFICATION WITHDRAWN DURING MARCH 1960

593-60-R: Canadian Iron Workers Union (Applicant) v. Powers Steel Construction Company (Toronto) (Respondent).
(8 employees)

658-60-R: National Union of Public Employees (Applicant) v. Hamilton Health Association (Hamilton) (Respondent).
(272 employees)

688-60-R: International Hod Carriers' Building and Common Laborers' Union of America, Local 607 (Applicant) v. McNamara Construction Co. Ltd. (District of Thunder Bay) (Respondent).
(6 employees)

753-60-R: Wood Wire & Metal Lathers Int. Union Local 97b (Applicant) v. Metro Lathing & Insulating (within a 25 mile radius of Toronto) (Respondent) (11 employees)

758-60-R: Brotherhood of Painters, Decorators and Paperhangers of America (Applicant) v. Service Glass Ltd. (Toronto) (Respondent) v. Canadian Glassworkers Union (Intervener)
(9 employees)

759-60-R: Brotherhood of Painters, Decorators and Paperhangers of America (Applicant) v. Pilkington Glass Ltd. 27 Mer er St., Toronto (Respondent) v. Canadian Glassworkers Union (Intervener) (16 employees)

760-60-R: Brotherhood of Painters, Decorators and Paperhangers of America (Applicant) v. Consolidated Glass (Toronto) (Respondent) v. Canadian Glassworkers Union (Intervener)
(16 employees)

761-60-R: Brotherhood of Painters, Decorators and Paperhangers of America (Applicant) v. Advance Glass, 26 Clayson Rd., Weston (Respondent) v. Canadian Glassworkers Union (Intervener) (24 employees)

762-60-R: Brotherhood of Painters, Decorators and Paperhangers of America (Applicant) v. Pilkington Glass (Leaside) (Respondent) v. Canadian Glassworkers Union (Intervener)
(70 employees)

846-60-R: International Association of Machinists (Applicant) v. Lanark Manufacturing Limited (Dunnville) (Respondent)
(33 employees)

APPLICATIONS FOR TERMINATION OF BARGAINING RIGHTS DISPOSED OF
DURING MARCH 1961

48-60-R: The employees of Guelph Works of the Canadian General Electric Company who are engaged in the Methods, Planning and Time Standards departments (Applicant) v. Methods, Wage Rate and Senior Cost Technicians Association of Ontario, Local 166, American Federation of Technical Engineers, A.F. of L.-C.I.O. Guelph Branch (Respondent). (Granted) (15 employees)

(Re: Canadian General Electric Company Limited,
Guelph Works)

Number of names on revised eligibility list		15
Number of ballots cast	15	
Number of ballots marked in favour of respondent	2	
Number of ballots marked as opposed to respondent	13	

284-60-R: Employees Wesmak Lbr. Co. Ltd. (Applicant) v. Lumber & Sawmill Workers Union Local 2537 (Respondent) v. Wesmak Lumber Co. Limited (Westree) (Intervener). (Dismissed) (70 employees).

(Re: Wesmak Lumber Co. Limited,
Westree, Ontario)

The Board endorsed the Record as follows:

"The respondent union (hereinafter called the union) and the intervener company (hereinafter called the company) entered into a collective agreement which was to bind them from August 11, 1958 to October 31, 1959, and from year to year thereafter subject to notice of 'change or termination'. The union gave notice in writing of its desire to bargain on August 24, 1959. This notice was timely under the terms of the collective agreement but the company did not reply to it. On October 30, 1959, an application for declaration terminating bargaining rights was made by an employee, Don Moore (who also represented the applicant employees at the hearing before the Board in the instant matter). This application was dismissed by the Board on September 15, 1960, and the union, on September 22, 1960, gave a further notice in writing of its desire to bargain with the company.

On November 16, 1960, the company informed the union by letter that it was willing to meet with the union. However, on November 22, 1960, the company made an application for declaration terminating bargaining rights. This application was heard by the Board on December 7, 1960, and was dismissed on December 7, 1960. On the day of the hearing, December 7, 1960, the union by letter requested the company to arrange a meeting for December 19, 1960. The company has not replied to this request and, on December 13, 1960, the instant application for declaration terminating bargaining rights was made to the Board. At the hearing in this matter the Board was informed by the representative of the applicants that the document submitted in support of the application was prepared, and the signatures thereon obtained during November, 1960.

The union submits that it has not had a proper opportunity to bargain with the company since it gave notice of its desire to bargain in August, 1959, because of the successive applications to terminate its bargaining rights.

Section 77(2) (1) of The Labour Relations Act empowers the Board to refuse to entertain a new application by an unsuccessful applicant or by any of the employees affected by an unsuccessful application within any period not exceeding ten months from the date of dismissal of the unsuccessful application. The Board's views with respect to successive applications to displace or terminate a current and active collective bargaining relationship are stated in the Trinidad Leasehold Case (1949) C.C.H. Canadian Labour Law Reports, Transfer Binder 17,005; D.L.S. 7-2107, Filey-Hall Case (1952) C.C.H. Canadian Labour Law Reports, Transfer Binder 17037; C.L.S. 76,349, Windsor Lumber Case (1958) C.C.H. Canadian Labour Law Reports, Transfer Binder, 16,104; C.L.S. 76-593, and Canadian Sealright Case (1959) C.C.H. Canadian Labour Law Reports, Transfer Binder, 16,157; C.L.S. 76,665. The Board is of the opinion that the abovenoted events bring the instant case within the principles laid down in these cases and that the respondent union has not been afforded a reasonable opportunity, between the date on which it gave notice of its desire to bargain and the date on which the instant application was made, to demonstrate its ability to bargain.

408-60-R: E. Portener (Applicant) v. Printing Specialties and Paper Products Union Local 466 (Respondent). (Granted)
(37 employees)

(Re: Baker Paper Products Limited,
Toronto, Ontario)

Number of names on revised voters' list		31
Number of ballots cast	31	
Number of ballots marked in favour of respondent	6	
Number of ballots marked as opposed to respondent	25	

550-60-R: Frame Neckwear Co. Limited (Applicant) v. Amalgamated Clothing Workers of America (Respondent) (13 employees)
(Granted)

(Re: Frame Neckwear Co. Limited,
Kitchener, Ontario)

Number of names on revised eligibility list		12
Number of ballots cast	12	
Number of ballots marked in favour of respondent	1	
Number of ballots marked as opposed to respondent	11	

617-60-R: General Motors Products of Canada, Limited (Applicant) v. International Union United Automobile, Aircraft, Agricultural Implement Workers of America (UAW) AFL-CIO (Respondent). (Granted) (18 employees)

(Re: General Motors Products of Canada, Limited,
London, Ontario)

The Board endorsed the Record as follows:

"The bargaining rights of the respondent as bargaining agent for the employees affected by this application having been terminated on the application of Allan R. Grover, File No. 580-60-R, this application is accordingly terminated."

649-60-R: John Wagner (Applicant) v. District 50 of the United Mine Workers of Ontario (Respondent) v. McKee Bros. Limited (Intervener). (Dismissed) (63 employees)

(Re: McKee Bros. Limited,
Elmira, Ontario)

The Board endorsed the Record as follows:

"The respondent and the intervener having entered into a collective agreement on the 2nd day of February, 1961, and the applicant having made application for a declaration terminating the bargaining rights of the respondent on February 17, 1961, this application is untimely pursuant to section 43 (2) of The Labour Relations Act and is accordingly dismissed."

694-60-R: The Lambton Motors Limited (Sarnia) (Applicant) v. International Association of Machinists (AFL - CIO - CLC) (Respondent). (Granted) (13 employees)

(Re: The Lambton Motors Limited,
Sarnia, Ontario)

695-60-R: Bentein Brothers Limited (Sarnia) (Applicant) v. International Association of Machinists (AFL - CIO - CLC) (Respondent) (Granted) (5 employees)

(Re: Bentein Brothers Limited,
Sarnia, Ontario)

801-60-R: McAuliffe-Grimes Limited (Ottawa) (Applicant) v. United Brotherhood of Carpenters and Joiners of America (Respondent). (Withdrawn) (5 employees)

(Re: McAuliffe-Grimes Limited,
Ottawa, Ontario)

20,233-60: Employees of Hodgson's Steel & Iron Wks. Ltd. (Applicant) v. Shopmen's Local Union #734 of the International Association of Bridge, Structural and Ornamental Iron Workers (Respondent). (Granted) (33 employees)

(Re: Hodgson's Steel & Iron Works Limited,
Niagara Falls, Ontario)

Number of names on revised eligibility list		38
Number of ballots cast		
Number of ballots spoiled	1	
Number of ballots marked in favour of respondent	3	
Number of ballots marked as opposed to respondent	34	

APPLICATIONS FOR EARLY TERMINATION OF AGREEMENT DISPOSED OF

DURING MARCH 1961

732-60-M: Eastwood Construction Company Limited (Peterborough)
(Applicant) v. Local Union 1450, United Brotherhood of
Carpenters and Joiners of America (Respondent). (Granted)

APPLICATIONS FOR DECLARATION THAT STRIKE UNLAWFUL DISPOSED

OF DURING MARCH 1961

583-60-U: Industrial Wire and Cable Limited (Applicant) v.
Local 24825 of the Canadian Labour Congress (Toronto)
(Respondent). (Dismissed)

The Board endorsed the Record in part as follows:

"It is clear that at the material times no collective agreement was in operation between the parties and, further, that the strike did not commence until more than seven days had elapsed after the report of the conciliation board was released by the Minister to the parties (see section 54, sub-section 2 of The Labour Relations Act).

Some days before the commencement of the strike, a strike vote was taken by the respondent trade union by secret ballot. The only evidence adduced by the applicant in support of its application was with reference to a subsequent vote taken by the respondent among the applicant's employees on the day before the strike commenced. It is clear that this vote was taken in such a manner that a person expressing his choice could be identified with the choice expressed. The applicant contends that the subsequent vote was a strike vote within the meaning of section 54, subsection 3 of the Act and that the manner in which it was taken made the strike, which commenced the next day, an unlawful strike. The respondent submits, inter alia, that the vote in question was not a strike vote.

The Board finds it unnecessary to decide whether the subsequent vote was a strike vote. Assuming, but without deciding, that it was a strike vote, the Board is of the opinion that a breach of section 54, subsection 3 does not make an otherwise lawful strike, unlawful within the meaning of The Labour Relations Act.

In the circumstances, therefore, this application is dismissed."

741-60-U: DeLuca and Mascarini Masonry Contractors Limited (Toronto) (Applicant) v. A. Rocco, Marino Marcuzzi, Mario Santin, Luciano Polesel, S. Nardi, M. Bonin and Mikelis Bruzis (Respondents). (Withdrawn)

826-60-U: The Hydro Electric Power Commission of Ontario (Lakeview Project) (Applicant) v. The Allied Construction Council and International Association of Bridge, Structural and Ornamental Iron Workers (Respondent). (Withdrawn)

APPLICATIONS FOR CONSENT TO PROSECUTE DISPOSED OF DURING

MARCH 1961

143-60-U: The General Contractors' Section of The Hamilton Construction Association and Builders' Exchange (Applicant) v. Hamilton Building Trades Council (Hamilton) (Respondent).

The Board endorsed the Record in part as follows:

"The Board consents to the institution of a prosecution of the respondent for the following offence alleged to have been committed: that the respondent did contravene section 50 (now section 55, R. S. O. 1960, c. 202) of The Labour Relations Act in that it did call or authorize an unlawful strike.

The appropriate documents will issue."

144-60-U: The General Contractors' Section of The Hamilton Construction Association and Builders' Exchange (Applicant) v. A. H. Davidson, C. Guagliano, D. McGregor (Hamilton) (Respondents).

The Board endorsed the Record in part as follows:

"The material facts upon which the Board has based its decision in this case are in essence the same as those upon which it based its decision in another case (File 145-60-U) in consenting, on the application of the General Contractors' Section of the Hamilton Construction Association and Builders' Exchange, to the institution of a prosecution of A. H. Davidson, C. Guagliano and D. McGregor, for an alleged violation of section 50 (now section 55, R.S.O. 1960, c. 202) of The Labour Relations Act. The authority of the Board to consent to the institution of a prosecution of any persons for a contravention of the Act is discretionary.

In the exercise of this discretion, the Board should take into account the purpose for which any provision of the legislation was enacted. In our opinion, section 51a (now section 57, R.S.O. 1960, c. 202) of the Act was not designed to impose an additional responsibility on a person who could be held responsible under some other provision of the Act as it stood prior to the enactment of section 51a; the purpose of the section was to impose responsibility upon certain persons who could not have been reached under the Act as it stood earlier. However, since in the absence of curial construction of the language of sections 50 (now section 55) and 51a (now section 57) of the Act, the Board cannot make any assumption as to whether the offence, if any, committed by the respondents falls within one section rather than the other, the Board should not, by confining its consent to the institution of a prosecution under one section alone jeopardize the applicant's entitlement to remedy if it has one. Having regard to these circumstances, the Board consents to the institution of a prosecution against the respondents for the following offence alleged to have been committed: that the respondents did contravene subsection 1 of section 51a (now section 57, R.S.O. 1960, c. 202) of The Labour Relations Act.

The appropriate documents will issue."

145-60-U: The General Contractors' Section of The Hamilton Construction Association and Builders' Exchange (Applicant) v. A. H. Davidson, C. Guagliano, D. McGregor (Hamilton) (Respondents). (Granted)

The Board endorsed the Record as follows:

The Board consents to the institution of a prosecution of the respondents for the following offence alleged to have been committed: that the respondents did contravene section 50 (now section 55, R.S.O. 1960, c. 202) of The Labour Relations Act in that they did counsel an unlawful strike.

The appropriate documents will issue."

447-60-U: Lumber and Sawmill Workers Union, Local 2693 of the United Brotherhood of Carpenters and Joiners of America (Applicant) v. McLeod and Halverson (Contractors) (Camp 107, Sapawe) (Respondent).

The Board endorsed the Record as follows:

- "1. In so far as the application concerns the discharge of Arnold Selman, the application is withdrawn by leave of the Board.
2. In so far as the application concerns the discharge of Gunther Drew, the Board, having regard to the evidence of Gunther Drew, is of opinion that leave should not be granted. The application is accordingly dismissed in so far as it relates to Gunther Drew.
3. In so far as the application concerns the discharge of Fritz Higgelke, the Board consents to the institution of a prosecution of the respondent for an alleged violation of section 50 (a) of The Labour Relations Act.
4. The appropriate documents will issue with respect to the consent referred to in paragraph 3."

633-60-U: Ellis-Don Limited (Kelloggs' Project in the City of London) (Applicant) v. Joe M. Jones (Respondent).
(Withdrawn)

726-60-U: Lumber and Sawmill Workers Union, Local 2537 of the United Brotherhood of Carpenters and Joiners of America - AFL-CIO (Applicant) v. O. G. Korpela (Sudbury) (Respondent)
(Withdrawn)

727-60-U: Lumber and Sawmill Workers Union, Local 2537 of the United Brotherhood of Carpenters and Joiners of America - AFL-CIO (Applicant) v. Wesmak Lumber Company Limited (Sudbury) (Respondent). (Withdrawn)

756-60-U: Lumber and Sawmill Workers Union, Local 2537 of the United Brotherhood of Carpenters and Joiners of America (Applicant) v. Island Lake Lumber Company Limited (Sudbury) (Respondent). (Withdrawn)

757-60-U: Lumber and Sawmill Workers Union, Local 2537 of the United Brotherhood of Carpenters and Joiners of America (Applicant) v. Viljo Korpela (Sudbury) (Respondent) (Withdrawn)

802-60-U: The Sudbury and District General Workers' Union, Local 902 of the International Union of Mine, Mill and Smelter Workers (Applicant) v. A. Silverman & Sons Limited (Sudbury) (Respondent). (Withdrawn)

APPLICATIONS UNDER SECTION 65 (UNFAIR LABOUR PRACTICE)

DISPOSED OF DURING MARCH 1961

219-60-U: United Cement, Lime and Gypsum Workers International Union, AFL-CIO-CLC (Complainant) v. Wilson Concrete Products Limited (Belleville Plant) (Respondent).

The Board endorsed the Record as follows:

"For the reasons accompanying this decision the complaint is dismissed."

Board Member, E. Boyer said:

"I would have ordered compensation and reinstatement of the three employees in question for my reasons accompanying this decision."

237-60-U: United Packinghouse, Food & Allied Workers
(Complainant) v. Metropolitan Meat Packers Limited (Toronto)

265-60-U: Operative Plasterers and Cement Masons International
Association of the United States and Canada, Local 117-C
(Complainant) v. Ontario Stress-Crete Company Limited

(Re: Mario Carere, Salvatore Chirichella, Michele Longo,
Antonio Lizzi, Nunziante Parente, Guiseppe Figliomeni, Luigi
Fazio, Giovanni Berardi and Raffaele Barresse.)

- and -

297-60-U: Operative Plasterers and Cement Masons International
Association of the United States and Canada, Local 117-C
(Complainant) v. Ontario Stress-Crete Company Limited

(Re: Giuseppe Figliomeni)

THE ABOVE MATTERS ARE CONSOLIDATED

451-60-U: The Canadian Union of Operating Engineers
(Complainant) v. A. Seigal Management Company (Toronto) re:
Wilfred Levens, Ernest Armstrong Tate, Murray Tripp, and
John Drew

452-60-U: The Canadian Union of Operating Engineers
(Complainant) v. A. Seigal (Toronto) re: Wilfred Levens,
Ernest Armstrong Tate, Murray Tripp and John Drew

453-60-U: The Canadian Union of Operating Engineers
(Complainant) v. A. Seigal Management Company (Toronto) re:
Wilfred Levens, Ernest Armstrong Tate, Murray Trip and John
Drew

454-60-U: The Canadian Union of Operating Engineers (Complainant) v. Max Shacter (Toronto) re: Wilfred Levens, Ernest Armstrong Tate, Murray Tripp and John Drew.

455-60-U: The Canadian Union of Operating Engineers (Complainant) v. Atlantic Development and Investment Corporation Limited (Toronto).

456-60-U: The Canadian Union of Operating Engineers (Complainant) v. Carlton Towers Limited (Toronto) re: Wilfred Levens, Ernest Armstrong Tate, Murray Tripp and John Drew.

457-60-U: The Canadian Union of Operating Engineers (Complainant) v. Two Carlton St. Limited (Toronto) re: Wilfred Lever, Ernest Armstrong Tate, Murray Tripp and John Drew.

594-60-U: United Steelworkers of America (Complainant) v. Winter Seal of Canada Limited (Toronto).

601-60-U: London & District Building Service Workers Union, Local 220 (Complainant) v. Saint Joseph Hospital (Sarnia).

611-60-U: London & District Building Service Workers Union, Local 200 (Complainant) v. Saint Joseph Hospital (Sarnia) re: Mrs. Eileen Giberson and Mr. Wayne Giberson.

612-60-U: Textile Workers Union of America, CLC-AFL-CIO (Complainant) v. Deerfield Plastics Limited (Newmarket) re: Allan Court.

613-60-U: International Woodworkers of America (Complainant) v. Roti Wood & Metal Products Company Limited (Fergus) re: James A. Bilton, George Sharer and Donald P.J. Clyde.

619-60-U: Shopmen's Local Union No. 757 of the International Association of Bridge Structural & Ornamental Iron Workers (Complainant) v. Bomac Company Ltd. (Cooksville) re: Ciro Orlando, Sergio Carlucci, Aladino Quilici, Renzo Balestri, Antonio Atzori, Valerio Magnani, Enzo Banducci, Rodolfo Russo, Umberto Rendina, Sebastiano Pagliari, Angelo Benetti, Gino Cavallin, Antonio Laperuta and Sauro Del Chierico.

646-60-U: London & District Building Service Workers Union, Local 220 (Complainant) v. Saint Joseph Hospital (Sarnia) re: Mrs. Geraldine Kobzos.

660-60-U: London & District Building Service Workers Union, Local 220 (Complainant) v. Saint Joseph Hospital (Sarnia).

661-60-U: London & District Building Service Workers Union,
Local 220 (Complainant) v. Saint Joseph Hospital (Sarnia)

662-60-U: London & District Building Service Workers Union,
Local 220 (Complainant) v. Saint Joseph Hospital (Sarnia)

663-60-U: International Woodworkers of America (Complainant)
v. Fry and Blackhall Limited (Wingham)

731-60-U: Local Union 633, Amalgamated Meat Cutters and
Butcher Workmen of North America, AFL-CIO (Complainant) v.
D. & J Meat Market (Toronto) re: Joe Busch

744-60-U: Lumber and Sawmill Workers Union, Local 2537 of
the United Brotherhood of Carpenters and Joiners of America
(Complainant) v. Island Lake Lumber Company Limited (Sudbury)
re: Leo Therrien

SPECIAL ENDORSEMENT IN CERTIFICATION APPLICATIONS

19,139-59: Hotel & Restaurant Employees and Bartenders'
International Union, A.F.L.-C.I.O.-C.L.C. Restaurant,
Cafeteria & Tavern Employees Union Local 254 (Applicant) v.
Dependable Caterers Limited (Scarborough) (Respondent)
(Dismissed December 1960)

The Board endorsed the Record as follows:

"The Board indicated when it released its decision dismissing the applicant union's application for certification on December 29th, 1960, that written reasons therefor would be given.

This application was filed on January 12th, 1960, and the Board's hearing was held on January 25th, 1960. At the hearing, the union took objection to the inclusion in the bargaining unit of one, William Grant, on the grounds that he exercised managerial functions. As a result of this objection the Board, on January 27th, 1960, directed an Examiner to enquire into and report to the Board on the duties and responsibilities of this person. Following the appointment of the Examiner, the parties then agreed that Grant was properly included in the bargaining unit. On the basis of the evidence then before it, and in the absence of any other objection by the union to the list filed by the respondent, the Board found that the union had filed application cards and receipts for payment of initiation fees for twenty-two of the forty persons, who, according to the respondent's list, were in the bargaining unit on the date of

the application. On this basis, therefore, the union did not have as members the required percentage of over fifty-five per cent of the persons in the bargaining unit to entitle it to outright certification. Since, however, the union did have on this evidence not less than forty-five per cent of the employees in the bargaining unit, as members, the Board on March 24th, 1960, directed the taking of a representation vote.

Our records indicate that on or about April 7th, 1960, the parties met, considered and approved the list of eligible voters. The names of the two persons Lillian Turner and Henry Daoust, whose employment status was later disputed by the union, did not appear on this list of voters.

The representation vote was held on April 27th, 1960, and less than fifty per cent of the ballots of those eligible to vote were cast in favour of the applicant union.

On April 28th, 1960, the day following the vote, the union wrote a letter to the Registrar, wherein it contended that the respondent's list of employees contained the names of persons who should not have been included in the bargaining unit as of the date of the application. This letter reads as follows:

'At the time of the Hearing for Certification, January 12th, the respondent ' Dependable Caterers Limited' submitted a list showing 40 employees in the unit described as being appropriate for collective bargaining.

At the time of the Hearing the applicant 'Restaurant Cafeteria & Tavern Employees Union, Local 254' was in no position to question the figures submitted by the respondent, seeing that he was represented by Mr. D. E. Houck.

At the time of preparing the voters list it was found that only 36 employees were in the unit described as being appropriate for collective bargaining. (refer to letter, April 7)

Information since the time of the hearing now made available to us, indicates the figure 40 submitted by the respondent was slightly exaggerated, and led to a false estimate of the effected employees.

On this basis we seek an examination of the records of the respondent.'

Following the Board's receipt of this letter and after further letters of representation and reply had been received by the Board relating to the union's objection from both the applicant union and the respondent company, the Board received a letter from the union dated July 27th, 1960, in which the union confined its objections to two specific employees, Lillian Turner and Henry Daoust, who it claimed should not have been included in the bargaining unit on the date of the application. The names of both of these persons appeared on the respondent's list filed in connection with this application.

If at least one of these two names had been deleted from the list of persons constituting the bargaining unit on the date of the application, the union would have had membership of over fifty-five per cent of the employees in the bargaining unit and would, on the date of the hearing, have been entitled to outright certification without a vote.

In consequence of the union's objection, the Board on July 28th, 1960, directed an examiner to enquire into the employment status of the two persons in question. The Board, thereafter, decided on the basis of the facts contained in the examiner's report that Henry Daoust was not an employee of the respondent on the date of the application, and accordingly ought not to have been included in the bargaining unit.

On these facts it was suggested that the vote which was adverse to the union should be set aside and the union certified outright. In this regard it was suggested that the union should be placed in the same position as it would have been at the time of the hearing if the name of Henry Daoust had not appeared on the respondent's list.

While normally, the applicant union does not obtain a copy of the respondent's list of employees, the Board's practice does afford an opportunity to a union which challenges it to check the list in the presence of the employer and a representative of the Board. If the applicant union is not satisfied with the contents of the list, it is entitled to make representations to the Board and to ask that an examiner be appointed to enquire into the composition of the bargaining unit or the duties and responsibilities of particular employees.

It is significant in this case that the applicant did not avail itself of the opportunity available to check the list, nor, except for its objections to the inclusion of one person, did it challenge the respondent's list at any time before the vote. No such challenge was made by the union to the list until the day after it had lost the vote. It then stated that, 'information since the time of the hearing, now made available to us, indicates that the figure '40' submitted by the respondent was slightly exaggerated'.

In analyzing the circumstances of this case, we cannot escape the conclusion that the applicant must have entertained suspicions about the accuracy of the list long before the date of the representation vote. Further, the circumstances demonstrate that the applicant had ample time and opportunity to challenge the list before the vote. We find, therefore, that the union must be taken to have elected to take its chances on the vote and having done so, it must be bound by the result."

Board Member E. Boyer dissented and said:

"I dissent. I would have granted certification to the applicant."

SPECIAL ENDORSEMENTS IN CONCILIATION SERVICES APPLICATIONS

DISPOSED OF BY THE BOARD

782-60-C: The Sudbury and District Council Workers' Union Local 902 of the International Union of Mine Mill and Smelter Workers (Applicant) v. Neelon Steel Limited (Sudbury) (Respondent). (Dismissed)

The Board endorsed the Record as follows:

"Having regard to all the evidence before it, it appears to the Board that this joint application by the parties concerns a request for conciliation services on the basis of the wage re-opener clause contained in the collective agreement between them, effective September 1, 1960. Having regard to the decision of the Board in the Fern Shoe Case, (1951) C C H Canadian Labour Law Reports, Transfer Binder 17,020; C.L.S. 76-311, the application is dismissed."

20,662-60: Canadian Textile Council (Applicant) v. Brantford Produce Company Limited (Brantford) (Respondent). (Dismissed)

The Board endorsed the Record as follows:

"For the reasons given in writing this application is dismissed."

Board Member G. Russell Harvey dissented and said:

"For the reasons given in writing I dissent.
I would have referred the matter to the Minister."

TRUSTEESHIP REPORTS FILED MARCH 1961

T1-60 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America Local 880.
Report filed by James R. Hoffa, General President, dated March 17, 1961, stated that Local 880 was released from trusteeship, effective January 1, 1961.

For particulars of report of trusteeship see Monthly Report, Ontario Labour Relations Board, December 1960, page-345.

T11-60 International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America Local 879.
Report filed by James R. Hoffa, General President, dated March 17, 1961, stated that Local 879 was released from trusteeship, effective January 1, 1961.

For particulars of report of trusteeship see Monthly Report, Ontario Labour Relations Board, December 1960, page-346.

